



# Federal Register

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**Monday,  
November 24, 2008**

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**Part IV**

## **Department of Commerce**

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**Semiannual Regulatory Agenda**

## DEPARTMENT OF COMMERCE (DOC)

## DEPARTMENT OF COMMERCE

## Office of the Secretary

## 13 CFR Ch. III

## 15 CFR Subtitle A; Subtitle B, Chs. I, II, III, VII, VIII, IX, and XI

## 19 CFR Ch. III

## 37 CFR Chs. I, IV, and V

## 48 CFR Ch. 13

## 50 CFR Chs. II, III, IV, and VI

## Fall 2008 Semiannual Agenda of Regulations

**AGENCY:** Office of the Secretary, Commerce.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** In compliance with Executive Order 12866, entitled "Regulatory Planning and Review," and the Regulatory Flexibility Act, as amended, the Department of Commerce (Department), in the spring and fall of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the spring 2008 agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

The Department's fall 2008 regulatory agenda includes regulatory activities that are expected to be conducted during the period October 1, 2008, through September 30, 2009.

**FOR FURTHER INFORMATION CONTACT:**

*Specific:* For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

*General:* Comments or inquiries of a general nature about the agenda should be directed to Jennifer K. Nist, Chief Counsel for Regulations, Office of the Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230; telephone: 202-482-3151.

**SUPPLEMENTARY INFORMATION:** Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration pursuant to this order. By memorandum of July 7, 2008, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the fall 2008 Unified Agenda of Federal Regulatory and Deregulatory Actions. The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires agencies to publish, in the spring and fall of each year, a regulatory flexibility agenda that contains a brief description of the subject of any rule likely to have a significant economic impact on a substantial number of small entities. The agenda also identifies those entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

For this edition of the Department of Commerce's regulatory agenda, the most important significant regulatory actions and a Statement of Regulatory Priorities are included in The Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** that includes the Unified Agenda.

In addition, beginning with the fall 2007 edition, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov), in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Commerce's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available

in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including the Department of Commerce's Regulatory Plan.

Within the Department, the Office of the Secretary and various operating units may issue regulations. Operating units, such as the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Industry and Security, and the Patent and Trademark Office issue the greatest share of the Department's regulations.

A large number of regulatory actions reported in the agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of the NMFS programs, an "Explanation of Information Contained in NMFS Regulatory Entries" is provided below.

**Explanation of Information Contained in NMFS Regulatory Entries**

The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Act) governs the management of fisheries within the Exclusive Economic Zone (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. Fishery Management Plans (FMPs) are to be prepared for fisheries that require conservation and management measures. Regulations implementing these FMPs regulate domestic fishing and foreign fishing where permitted. Foreign fishing may be conducted in a fishery in which there is no FMP only if a preliminary fishery management plan has been issued to govern that foreign fishing. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs or amendments to FMPs for fisheries within their respective areas. In the development of such plans or amendments and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the

## DOC

significance and timing of some regulatory actions under consideration by the Councils at the time the

semiannual regulatory agenda is published.

The Department's fall 2008 regulatory agenda follows.

**Lily Fu Claffee,**  
*General Counsel.*

## International Trade Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
190	Commercial Availability of Fabric and Yarn .....	0625-AA59

## National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
191	Maximize Retention and Monitoring Program in the Shore-Based Pacific Whiting Fishery .....	0648-AR63
192	Amendment 1 to the Fishery Management Plan for the Tilefish Fishery .....	0648-AS25
193	Atlantic Highly Migratory Species (HMS); Reducing Sea Turtle Takes .....	0648-AS49
194	Amendment to Coastal Migratory Pelagics FMP, Red Drum FMP, Reef Fish FMP, Spiny Lobster FMP, and Stone Crab FMP To Provide for Regulation of Marine Aquaculture ( <b>Reg Plan Seq No. 20</b> ) .....	0648-AS65
195	American Lobster Fishery; Fishing Effort Control Measures To Complement Interstate Lobster Management Recommendations by the Atlantic States Marine Fisheries Commission .....	0648-AT31
196	Amendment 10 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan .....	0648-AT58
197	BSAI Amendment 73 and GOA Amendment 77 FMP To Revise Management Authority of Dark Rockfish .....	0648-AU20
198	Amendment 15 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan .....	0648-AU36
199	Restrictions for 2007 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean .....	0648-AU79
200	South Atlantic Fishery Ecosystem Plan Comprehensive Amendment .....	0648-AV31
201	Modifying Maximum Retainable Amounts (MRAs) for Selected Groundfish Species Caught by the Non-American Fishing Act Trawl Catcher Processor Sector .....	0648-AV32
202	Certification of Nations Whose Fishing Vessels Are Engaged in IUU Fishing or Bycatch of Protected Living Marine Resources ( <b>Reg Plan Seq No. 21</b> ) .....	0648-AV51
203	Rule To Implement a Minimum Possession Size Limit on Spiny Lobster ( <i>Panulirus argus</i> ) .....	0648-AV61
204	Collection and Use of Tax Identification Numbers From Holders of and Applicants for National Marine Fisheries Service Permits .....	0648-AV76
205	American Lobster Data Collection and Broodstock Protection Measures .....	0648-AV77
206	Gulf Reef Fish Amendment 30B .....	0648-AV80
207	Amendment 3 to the Fishery Management Plan for the Spiny Lobster Fishery of Puerto Rico and the U.S. Virgin Islands and Amendment 4 to the Reef Fish Fishery Management Plan of Puerto Rico and the U.S. ....	0648-AV98
208	Amendment 15 to the Pacific Coast Groundfish Fishery Management Plan: Limited Entry Program for the Pacific Whiting Fishery .....	0648-AW08
209	Amendment 17 to the South Atlantic Fishery Management Council Snapper Grouper Fishery Management Plan ...	0648-AW11
210	Amendment 15B to the South Atlantic Fishery Management Council Snapper Grouper Fishery Management Plan .....	0648-AW12
211	Amendment 2 to the Fishery Management Plan for the Queen Conch Fishery of Puerto Rico and the U.S. Virgin Islands .....	0648-AW15
212	Amendment 7 to the South Atlantic Shrimp Fishery Management Plan .....	0648-AW19
213	Marine Mammal Protection Act Stranding Regulation Revisions .....	0648-AW22
214	Revise Regulations Governing the North Pacific Groundfish Observer Program .....	0648-AW24
215	Amendment 3 to the Northeast Skate Complex Fishery Management Plan .....	0648-AW30
216	Fisheries in the Western Pacific; Western Pacific Pelagic Fisheries; Amendment 18 to the Pelagics Fishery Management Plan; Shallow-Set Longline Swordfish Fishery .....	0648-AW49
217	Establish a Permit Fee Collection Framework Under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP) .....	0648-AW50
218	Fisheries in the Western Pacific; Compensation to Northwestern Hawaiian Islands Bottomfish and Lobster Fishermen Due to Fishery Closure in the Papahānaumokuākea Marine National Monument .....	0648-AW52
219	Amendment 16 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region ...	0648-AW64
220	Atlantic Highly Migratory Species; Atlantic Shark Management Measures .....	0648-AW65
221	Amendment 4 to the Atlantic Herring Fishery Management Plan .....	0648-AW75
222	Interim Action To Reduce Fishing Mortality and Maintain Stock Rebuilding; Northeast Multispecies Fishery .....	0648-AW87
223	Halibut Charter Vessel Moratorium .....	0648-AW92
224	Allowable Modifications to the Turtle Excluder Device (TED) Requirements .....	0648-AW93

## DOC

## National Oceanic and Atmospheric Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
225	Seabird Avoidance Requirements Revisions for Hook-and-Line Vessels in International Pacific Halibut Commission Regulatory Area 4E .....	0648-AW94
226	Regulatory Amendment (13) To Correct and Clarify Amendment 13 and Subsequent Frameworks of the Northeast Multispecies Fishery Management Plan .....	0648-AW95
227	Amendment 28 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crab .....	0648-AW97
228	Amendment 11 to the Atlantic Mackerel, Squid, Butterfish Fishery Management Plan .....	0648-AX05
229	Atlantic Highly Migratory Species; 2009 North and South Atlantic Commercial Quotas .....	0648-AX07
230	Atlantic Highly Migratory Species (HMS); 2009 Atlantic Bluefin Tuna Quota Specifications and Management Measures .....	0648-AX12
231	Amendment 92 to the Fishery Management Plan for Bering Sea/Aleutian Islands Groundfish and Amendment 82 to the Fishery Management Plan for Gulf of Alaska Groundfish .....	0648-AX14
232	2009 Atlantic Mackerel, Squid, and Butterfish Specifications and Management Measures .....	0648-AX16
233	One-Fish Daily Bag Limit for the Guided Sport Charter Vessel Fishery for Halibut in Regulatory Area 2C .....	0648-AX17
234	Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act .....	0648-AV15
235	Designation of Critical Habitat for the Endangered U.S. Distinct Population Segment (DPS) of Smalltooth Sawfish .....	0648-AV74
236	Marine Mammal Protection Act Permit Regulation Revisions .....	0648-AV82
237	Rulemaking To Establish Take Prohibitions for the Threatened Southern Distinct Population Segment of North American Green Sturgeon .....	0648-AV94
238	Harbor Porpoise Take Reduction Plan Measures .....	0648-AW51
239	Rulemaking To Designate Critical Habitat for the Gulf of Maine Distinct Population Segment of Atlantic Salmon ....	0648-AW77
240	Rulemaking To Designate Critical Habitat for the Threatened Southern Distinct Population Segment of North American Green Sturgeon .....	0648-AX04
241	Rule To Revise Leatherback Critical Habitat .....	0648-AX06

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
242	Require Mandatory Observer Coverage in the At-Sea Processing Sector of the Whiting Fishery .....	0648-AK26
243	Revisions to the Scientific Research Activity, Exempted Fishing, and Exempted Educational Activity Regulations ..	0648-AR78
244	Western Pacific Squid Fishery .....	0648-AS71
245	Amendment 14 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region ....	0648-AU28
246	Framework 4 to the Fishery Management Plan for Monkfish .....	0648-AU34
247	Revision to Allowable Bycatch Reduction Devices for the Gulf of Mexico Shrimp Fishery .....	0648-AV14
248	Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) Environmental Review Procedure ( <b>Reg Plan Seq No. 24</b> ) .....	0648-AV53
249	Guidance for Annual Catch Limits and Accountability Measures to End Overfishing ( <b>Reg Plan Seq No. 25</b> ) .....	0648-AV60
250	General Provisions for Domestic Fisheries; Specifications for Boarding Ladders .....	0648-AV78
251	Amendment 27 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs .....	0648-AW73
252	Referendum Procedures for a Potential Gulf of Mexico Grouper and Tilefish Individual Fishing Quota (IFQ) Program .....	0648-AW85
253	Provide Regulations for Permits for Capture, Transport, Import, and Export of Protected Species for Public Display, and for Maintaining a Captive Marine Mammal Inventory .....	0648-AH26
254	Virginia Modified Pound Net Leader Inspection Program .....	0648-AU98
255	Endangered and Threatened Species; Designation of Critical Habitat for Elkhorn and Staghorn Corals .....	0648-AV35
256	Atlantic Pelagic Longline Take Reduction Plan .....	0648-AV65

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
257	Amendment 9 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan .....	0648-AP60

## DOC

## National Oceanic and Atmospheric Administration—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
258	Amendment 72 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska .....	0648-AR72
259	Amend Subsistence Halibut Fishing Regulations in Waters In and Off Alaska .....	0648-AU14
260	Atlantic Highly Migratory Species; International Trade Permit Regulatory Amendment .....	0648-AU88
261	Atlantic Highly Migratory Species; Atlantic Shark Management Measures .....	0648-AU89
262	Amendment 25 the Fishery Management Plan in the Bering Sea and Aleutian Islands King and Tanner Crab Fisheries off Alaska .....	0648-AV19
263	Fisheries in the Western Pacific; Precious Corals Fisheries; Fishery Management Plan for Amendment 7—Gold and Black Coral Management .....	0648-AV30
264	Reef Fish Amendment 30A for Greater Amberjack and Gray Triggerfish: TAC Adjustments, Measures To End Overfishing and Establish SFA Parameters .....	0648-AV34
265	2008 Summer Flounder, Scup, and Black Sea Bass Recreational Fishery Management Measures .....	0648-AV41
266	Individual Fishing Quota Omnibus V Action 2 and 4: Allow Longline Pot Gear in Bering Sea during June; Allow Mobilized Military Personnel To Make Temporary Individual Fishing Quota Transfers .....	0648-AV64
267	Framework Adjustment 19 to the Atlantic Sea Scallop Fishery Management Plan .....	0648-AV90
268	Amendment 89 to the Fishery Management Plan for the Bering Sea; Bering Sea Habitat Conservation Measures .....	0648-AW06
269	Revisions to Regulations for the Guided Sport Charter Vessel Fishery for Halibut in Regulatory Area 2C .....	0648-AW23
270	Revise Regulations To Exempt Certain Groundfish Catcher-Processors and Motherships From Check-In/Check-Out Requirements With Active Vessel Monitoring Systems (VMS) .....	0648-AW28
271	Framework Adjustment 5 to the Monkfish Fishery Management Plan .....	0648-AW33
272	Amendment 26 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs .....	0648-AW45
273	Atlantic Highly Migratory Species (HMS); Renewal of Atlantic Tunas Longline Limited Access Permits (LAPs); Atlantic Shark Identification Workshop Attendance Requirements .....	0648-AW46
274	Approval of Eliminator Trawl Gear for Special Management Programs; Northeast Multispecies Fishery .....	0648-AW53
275	Allocation of Trips to Closed Area II Yellowtail Flounder Special Access Program .....	0648-AW69
276	Framework Adjustment 6 to the Monkfish Fishery Management Plan .....	0648-AW81
277	Right Whale Ship Strike Reduction .....	0648-AS36
278	Amendment To Discharge Regulations in Gulf of the Farallones, Monterey Bay, and Cordell Banks National Marine Sanctuaries .....	0648-AW29

## National Telecommunications and Information Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
279	Rulemaking To Waive the Household Eligibility and Application Process of the Coupon Program for Individuals Residing in Nursing Homes .....	0660-AA17

## Patent and Trademark Office—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
280	Fiscal Year 2009 Revision of Request for Continued Examination, 18-Month Publication, and Other Miscellaneous Cost-Recovery Patent Fees .....	0651-AC29

## Patent and Trademark Office—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
281	Examination of Patent Applications That Include Claims Containing Alternative Language .....	0651-AC00
282	Fiscal Year 2009 Changes to Patent Cooperation Treaty Search Fees .....	0651-AC28

**Department of Commerce (DOC)**  
**International Trade Administration (ITA)**

**Long-Term Actions**

**190. COMMERCIAL AVAILABILITY OF FABRIC AND YARN**

**Legal Authority:** PL 106–200, sec 112(b)(5)(B); PL 106–200, sec 211; EO 13191; PL 107–210, sec 3103

**Abstract:** This rule implements certain provisions of the Trade and Development Act of 2000 (the Act). Title I of the Act (the African Growth and Opportunity Act or AGOA), title II of the Act (the United States-Caribbean Basin Trade Partnership Act or CBTPA), and title XXXI of the Trade Act of 2002 (the Andean Trade Promotion and Drug Eradication Act or ATPDEA) provide for quota- and duty-free treatment for qualifying apparel products from designated beneficiary countries. AGOA and CBTPA authorize quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise

assembled in one or more designated beneficiary countries from yarn or fabric that is not formed in the United States or a beneficiary country, provided it has been determined that such yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner. The President has delegated to the Committee for the Implementation of Textile Agreements (the Committee), which is chaired by Commerce, the authority to determine whether yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA, the ATPDEA, and the CBTPA, and has authorized the Committee to extend quota- and duty-free treatment to apparel of such yarn or fabric. The rule provides the procedure for interested parties to submit a request

alleging that a yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner, the procedure for public comments, and relevant factors that will be considered in the Committee's determination. The rule also outlines the factors to be considered by the Committee in extending quota- and duty-free treatment.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Janet Heinzen  
 Phone: 202 482–4006  
 Email: janet\_heinzen@ita.doc.gov

**RIN:** 0625–AA59

**Department of Commerce (DOC)**  
**National Oceanic and Atmospheric Administration (NOAA)**

**Proposed Rule Stage**

**NATIONAL MARINE FISHERIES SERVICE**

**191. MAXIMIZE RETENTION AND MONITORING PROGRAM IN THE SHORE-BASED PACIFIC WHITING FISHERY**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** The Pacific Fishery Management Council (Pacific Council) at their October 21 to 25, 1996, meeting in San Francisco, California addressed the treatment and disposition of salmon in the groundfish trawl fisheries, specifically the shore-based whiting fishery. At that meeting, the Pacific Council discussed the retention of salmon in the shore-based whiting fishery and took action to maintain a viable shore-based whiting fishery by using exempted fishing permits (EFPs). These EFPs allowed the shore-based whiting fleet to temporarily deliver unsorted catch to processing plants and provided for the monitoring of incidentally taken salmon until a permanent monitoring program could be implemented. In keeping with the Pacific Council's recommendation, NMFS is proceeding with implementing a monitoring program for the shore-based whiting fishery. This action will aid in the sustainable

management of Pacific Coast salmon and groundfish fisheries while providing an important economic opportunity to those associated with the harvest, processing, and selling of whiting taken by the shore-based whiting fleet. The need for implementing a permanent monitoring program in the shore-based Pacific whiting fishery is to provide for a full retention fishery by enabling the shore-based whiting fleet, comprised exclusively of catcher vessels, to deliver unsorted catch to processing plants. This practice is necessary to ensure that whiting landings are of market quality, while abiding by Federal groundfish regulations and those implementing the Pacific Coast salmon and groundfish fishery management plans (FMPs).

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	
NPRM Comment Period End	12/00/08	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600

Sand Point Way NE., Building 1, Seattle, WA 48115–0070  
 Phone: 206 526–6150  
 Fax: 206 526–6426

**RIN:** 0648–AR63

**192. AMENDMENT 1 TO THE FISHERY MANAGEMENT PLAN FOR THE TILEFISH FISHERY**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** Amendment 1 to the Fishery Management Plan for the Tilefish Fishery would implement Individual Transferable Quotas in the tilefish fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	
NPRM Comment Period End	12/00/08	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
 Phone: 978 281–9200

**RIN:** 0648–AS25

## DOC—NOAA

## Proposed Rule Stage

**193. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); REDUCING SEA TURTLE TAKES**

**Legal Authority:** 16 USC 971; 16 USC 1801 et seq

**Abstract:** This action would amend the regulations governing the Atlantic pelagic longline fishery based upon a June 1, 2004, Biological Opinion regarding Atlantic sea turtles. This amendment could include framework mechanisms that would allow the Agency to take action, such as partial or rolling closures or gear or effort restrictions, if the number of sea turtle interactions or mortalities exceed anticipated levels during a certain period of time. This action would not change established quotas for target species.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/12/04	69 FR 49858
ANPRM Comment Period End	10/12/04	
NPRM	11/00/08	
NPRM Comment Period End	12/00/08	

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910  
Phone: 301 713-2334

**RIN:** 0648-AS49

**194. AMENDMENT TO COASTAL MIGRATORY PELAGICS FMP, RED DRUM FMP, REEF FISH FMP, SPINY LOBSTER FMP, AND STONE CRAB FMP TO PROVIDE FOR REGULATION OF MARINE AQUACULTURE**

**Regulatory Plan:** This entry is Seq. No. 20 in part II of this issue of the **Federal Register**.

**RIN:** 0648-AS65

**195. AMERICAN LOBSTER FISHERY; FISHING EFFORT CONTROL MEASURES TO COMPLEMENT INTERSTATE LOBSTER MANAGEMENT RECOMMENDATIONS BY THE ATLANTIC STATES MARINE FISHERIES COMMISSION**

**Legal Authority:** 16 USC 5101 et seq

**Abstract:** The National Marine Fisheries Service announces that it is considering, and seeking public comment on, revisions to Federal American lobster regulations for the Exclusive Economic Zone (EEZ) associated with effort control measures as recommended for Federal implementation by the Atlantic States Marine Fisheries Commission (ASFMC) as outlined in the Interstate Fishery Management Plan (ISFMP) for American Lobster. This action will evaluate effort control measures in certain Lobster Conservation Management Areas including: Limits on future access based on historic participation criteria; procedures to allow trap transfers among qualifiers and impose a trap reduction or conservation tax on any trap transfers; and a trap reduction schedule to meet the goals of the ISFMP.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/10/05	70 FR 24495
ANPRM Comment Period End	06/09/05	
NPRM	12/00/08	
NPRM Comment Period End	02/00/09	

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

**RIN:** 0648-AT31

**196. AMENDMENT 10 TO THE ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERY MANAGEMENT PLAN**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** This action would implement a rebuilding program for butterfish.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/09	
NPRM Comment Period End	07/00/09	

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of

Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

**RIN:** 0648-AT58

**197. BSAI AMENDMENT 73 AND GOA AMENDMENT 77 FMP TO REVISE MANAGEMENT AUTHORITY OF DARK ROCKFISH**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** This amendment would remove dark rockfish (*Sebastes ciliatus*) from the Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA) groundfish fishery management plans (FMP). The State of Alaska would then assume management of dark rockfish in the BSAI and GOA. Regulatory amendments are needed to implement these FMP amendments to remove dark rockfish from Table 2a of 50 CFR part 679 (FMP species) and to add dark rockfish to Table 2d of 50 CFR part 679 (non-FMP species). The regulations implementing Amendment 73/77 also would revise the scientific name and species code for dusky rockfish on Table 2a to 50 CFR part 679.

**Timetable:**

Action	Date	FR Cite
NPRM	09/24/08	73 FR 55010
NPRM Comment Period End	11/17/08	
Final Action	05/00/09	

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AU20

**198. AMENDMENT 15 TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY MANAGEMENT PLAN**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** Amendment 15 would address allocation and other issues in the summer flounder, scup, and black sea bass fisheries.

## DOC—NOAA

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	
NPRM Comment	01/00/09	
Period End		

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

**RIN:** 0648-AU36**199. RESTRICTIONS FOR 2007 PURSE SEINE AND LONGLINE FISHERIES IN THE EASTERN TROPICAL PACIFIC OCEAN**

**Legal Authority:** 16 USC 951 to 961; 16 USC 971

**Abstract:** The National Marine Fisheries Service announces the 2007 conservation and management measures for international tuna fisheries in the eastern tropical Pacific Ocean. The purse seine fishery will be closed for six-weeks and any national longline fishery which reaches a catch level for bigeye tuna equal to the 2001 catch levels will also be closed. The intended effect of this rule is to establish prohibition of U.S. vessels purse seine fishing for tuna in the Inter-American Tropical Tuna Commission (IATTC) Convention Area from November 20 to December 31 period, and to announce the closure of the U.S. longline fishery. This will conform to the IATTC recommendation that was approved by the State Department.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/08	
NPRM Comment	02/00/09	
Period End		

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802  
Phone: 562 980-4040

**RIN:** 0648-AU79**200. SOUTH ATLANTIC FISHERY ECOSYSTEM PLAN COMPREHENSIVE AMENDMENT**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** The purpose of this action is to develop an ecosystem-based approach to resource management. The South Atlantic Council plans to develop a Fishery Ecosystem Plan (FEP) Comprehensive Amendment, which would modify all its Fishery Management Plans (FMPs). The initial amendment would include the following actions: (1) Various actions to comply with new essential fish habitat requirements; (2) establishment of deep water coral Habitat Areas of Particular Concern, with possible gear limitations, such as the establishment of allowable trawl areas; and (3) other possible actions necessary to implement ecosystem-based fishery management.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	
NPRM Comment	12/00/08	
Period End		
Final Rule	01/00/09	

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701  
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**RIN:** 0648-AV31**201. MODIFYING MAXIMUM RETAINABLE AMOUNTS (MRAS) FOR SELECTED GROUND FISH SPECIES CAUGHT BY THE NON-AMERICAN FISHING ACT TRAWL CATCHER PROCESSOR SECTOR**

**Legal Authority:** 16 USC 1801

**Abstract:** The National Marine Fisheries Service issues this action to amend regulations specifying the current interval of time allowed for determining the maximum retainable amount (MRA) of selected groundfish species that can be retained by non-American Fishery Act trawl catcher processors. This action would change MRA regulations located at 50 CFR 679.20(e) that establish the calculation of MRAs for groundfish species that are

closed to directed fishing by increasing the interval of time each vessel in this sector would have to retain the MRA specified in regulation for several species in the Bering Sea and Aleutian Islands. This action is intended to promote the goals and objectives of the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/08	
NPRM Comment	01/00/09	
Period end		

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AV32**202. CERTIFICATION OF NATIONS WHOSE FISHING VESSELS ARE ENGAGED IN IUU FISHING OR BYCATCH OF PROTECTED LIVING MARINE RESOURCES**

**Regulatory Plan:** This entry is Seq. No. 21 in part II of this issue of the **Federal Register**.

**RIN:** 0648-AV51**203. RULE TO IMPLEMENT A MINIMUM POSSESSION SIZE LIMIT ON SPINY LOBSTER (PANULIRUS ARGUS)**

**Legal Authority:** 16 USC 1801

**Abstract:** The United States is a major importer of spiny lobster from the Caribbean, importing over 88,000 tons (over 194 million lbs) over the past 10 years, worth an estimated \$2.27 billion dollars. The United States imports over 90 percent of the spiny lobster harvested in Brazil, Colombia, Central America and the Caribbean countries. The major exporters to the United States are the Bahamas, Brazil, Honduras and Nicaragua. All of these exporting countries have some form of minimum size requirement, but they are not standardized and enforcement is severely lacking. Therefore, NOAA Fisheries Service in coordination with the Caribbean, South Atlantic, and Gulf



## DOC—NOAA

## Proposed Rule Stage

of Mexico Fishery Management Councils is proposing to place a minimum size limit restriction on imports to curtail the flow of undersized lobster harvested in foreign countries.

**Timetable:**

Action	Date	FR Cite
Notice	07/26/07	72 FR 41063
NPRM	11/00/08	
NPRM Comment Period End	12/00/08	

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 0648-AV61

#### 204. COLLECTION AND USE OF TAX IDENTIFICATION NUMBERS FROM HOLDERS OF AND APPLICANTS FOR NATIONAL MARINE FISHERIES SERVICE PERMITS

**Legal Authority:** 31 USC 7701; 16 USC 1801 et seq; 16 USC 1361 et seq; 16 USC 1531 et seq

**Abstract:** In conformance with the Debt Collection Improvement Act of 1996 (Debt Collection Act), the National Marine Fisheries Service (NMFS) will issue a rule to require that each existing holder of and future applicant for a permit, license, endorsement, authorization, transfer or like instrument issued by the agency to provide a Taxpayer Identification Number (TIN) (business' employer identification number or individual's social security number) and Date of Incorporation or Date of Birth, as appropriate. Under the Debt Collection Act, NMFS is required to collect the TIN to report on and collect any delinquent non-tax debt owed to the Federal Government. NMFS plans to use Date of Incorporation or Date of Birth information for administrative aspects of permitting procedures with appropriate confidentiality safeguards pursuant to the Privacy Act. The rule will specify (a) The particular uses that may be made of the reported TIN, (b) the effects, if any, of not providing the required information, (c) how the

information will be used to ascertain if the permit holder or applicant owes delinquent non-tax debt to the Government pursuant to the Debt Collection Act, (d) the effects on the permit holder or applicant when such delinquent debts are owed, and (e) the agency's intended communications with the permit holder or applicant regarding the relationship of such delinquent debts to its permitting process and the need to resolve such debts as a basis for completing permit issuance or renewal. The rule will amend existing agency permit regulations and contain all appropriate modified and new collections-of-information pursuant to the Paperwork Reduction Act.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	
NPRM Comment Period End	12/00/08	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910  
Phone: 301 713-2334

**RIN:** 0648-AV76

#### 205. AMERICAN LOBSTER DATA COLLECTION AND BROODSTOCK PROTECTION MEASURES

**Legal Authority:** 16 USC 5101 et seq

**Abstract:** The National Marine Fisheries Service is considering the implementation of management measures in the Federal lobster fishery, consistent with recommendations for Federal action as specified in the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for American Lobster. These proposed management measures include: 100 percent mandatory dealer reporting requirements for Federal lobster dealers; implementation of a maximum size limit (maximum carapace length restriction) in several Lobster Management Areas (LMA); and, revision to the definition of a V-notch for protection of egg-bearing female lobsters in several LMAs in the Federal American lobster fishery.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/19/07	72 FR 53978
ANPRM Comment Period End	10/22/07	
NPRM	10/06/08	73 FR 58099
NPRM Comment Period End	11/20/08	
Final Rule	02/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

**RIN:** 0648-AV77

#### 206. GULF REEF FISH AMENDMENT 30B

**Legal Authority:** 16 USC 1801

**Abstract:** Amendment 30B addresses the findings of Gulf of Mexico red grouper and gag stock assessments. Red grouper is not undergoing overfishing and is not overfished. Gag is undergoing overfishing and whether gag are overfished is still being determined. This action incorporates both red grouper and gag management measures together as the measures affecting one species invariably affect the other. The amendment would implement management measures to increase red grouper total allowable catch and to end overfishing of gag. The amendment also proposes definitions for gag status criteria and reference points. The amendment also examines grouper accountability measures, closed fishing areas, and ways to reduce discard mortality.

**Timetable:**

Action	Date	FR Cite
Notice	03/07/08	73 FR 12393
NPRM	11/00/08	
NPRM Comment Period End	12/00/08	

**Regulatory Flexibility Analysis**

**Required:** Yes

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## DOC—NOAA

## Proposed Rule Stage

Email: roy.crabtree@noaa.gov

RIN: 0648–AV80

**207. AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE SPINY LOBSTER FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS AND AMENDMENT 4 TO THE REEF FISH FISHERY MANAGEMENT PLAN OF PUERTO RICO AND THE U.S.****Legal Authority:** 16 USC 1801

**Abstract:** Many species of fish in the reef fish fishery in Puerto Rico and the USVI are believed to be overexploited, largely due to trap fishing and bycatch associated with this fishery. Landings from the trap fishery have continuously decreased since 1990 in Puerto Rico; species composition has changed; and size frequency of some fish has decreased over the last 10 years. These effects have been attributed to excessive trap fishing effort, lack of compliance with trap construction requirements (i.e., fishers often do not use the required biodegradable fasteners on trap doors), use of other gears by commercial fishers (e.g., gill nets), and the lack of escape panels in traps which would allow smaller fishes to escape, resulting in high mortality of juveniles and a loss of long-term potential yield. Under current fishing practices, bycatch and the associated mortality of bycatch is not expected to be reduced sufficiently in the reef fish or spiny lobster trap fisheries. Without a reduction in bycatch, those stocks experiencing overfishing may become overfished, and those stocks overfished may not meet the goals of the rebuilding plan set forth in the Sustainable Fisheries Act Amendment of 2005. Therefore, the use of escape panels as a management tool is proposed in this amendment to help achieve the necessary reductions in fishing mortality among the species harvested by traps.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/09	
NPRM Comment Period End	02/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric

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RIN: 0648–AV98

**208. AMENDMENT 15 TO THE PACIFIC COAST GROUND FISH FISHERY MANAGEMENT PLAN: LIMITED ENTRY PROGRAM FOR THE PACIFIC WHITING FISHERY****Legal Authority:** 16 USC 1801 et seq

**Abstract:** Amendment 15 to the Pacific Coast Groundfish FMP would implement a limited entry program for the Pacific whiting fishery, which occurs within the Exclusive Economic Zone off the coasts of Washington, Oregon, and California. This action would limit future participation in each of the three non-tribal sectors of the Pacific whiting fishery to those vessels with historic participation in those particular sectors.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/08	
NPRM Comment Period End	01/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Building 1, Seattle, WA 98115–0070  
Phone: 206 526–6150  
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RIN: 0648–AW08

**209. AMENDMENT 17 TO THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL SNAPPER GROUPER FISHERY MANAGEMENT PLAN****Legal Authority:** 16 USC 1801

**Abstract:** Amendment 17 is intended to: establish management reference points (MSY, OY) for red snapper; establish a rebuilding plan (rebuilding timeframe and rebuilding strategy) for red snapper; specify Annual Catch Limits (ACL), Annual Catch Targets (ACT), and Accountability Measures (AM) for 10 species undergoing overfishing; specify allocations for 10 species undergoing overfishing;

reconsider OY for 10 species undergoing overfishing; specify ABC Control Rules; extend the range of the snapper grouper fishery management plan north through the Mid-Atlantic Council's area of authority; promote fair and equitable regulations in the commercial fishery for snowy grouper; and modify management measures to ensure future catch is equal to or below the ACL.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/09	
NPRM Comment Period End	12/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701  
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RIN: 0648–AW11

**210. AMENDMENT 15B TO THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL SNAPPER GROUPER FISHERY MANAGEMENT PLAN****Legal Authority:** 16 USC 1801

**Abstract:** Amendment 15B would assess the practicability of prohibiting the sale of recreationally caught fish; assess the practicability of changes to the renewal period on commercial snapper grouper permits; assess the practicability of allowing one-to-one transfer of commercial permits from an individual to a family-held corporation; implement a plan to monitor and assess bycatch; implement measures to minimize the impacts of incidental take on sea turtles and smalltooth sawfish; update management reference points for golden tilefish; and define allocation for snowy grouper and black sea bass.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	
NPRM Comment Period End	12/00/08	

**Regulatory Flexibility Analysis Required:** Yes

## DOC—NOAA

## Proposed Rule Stage

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**RIN:** 0648-AW12

## 211. AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR THE QUEEN CONCH FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS

**Legal Authority:** 16 USC 1801

**Abstract:** St. Croix queen conch landings by commercial fishermen alone have exceeded sustainable harvest levels since the 2000 to 2001 fishing season. In 2005 to 2006 the commercial harvest was over four times sustainable levels. Additionally, there is an unknown but significant recreational harvest. Overfishing of queen conch has led to resource collapse in other regions and in some cases, long-term resource loss. According to the NMFS Report on the Status of the U.S. Fisheries for 2006, queen conch is overfished and undergoing overfishing. Under current fishing practices, reductions in mortality are not expected to be sufficient in the queen conch fishery. Without a reduction in mortality, queen conch are not expected to achieve the rebuilding goals established in the Sustainable Fisheries Amendment of 2005. Therefore, a change in fishing practices is needed to help achieve the necessary reductions in queen conch fishing mortality.

### Timetable:

Action	Date	FR Cite
Notice of Intent	10/11/07	72 FR 58057
NPRM	11/00/08	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701  
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**RIN:** 0648-AW15

## 212. AMENDMENT 7 TO THE SOUTH ATLANTIC SHRIMP FISHERY MANAGEMENT PLAN

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** The South Atlantic Fishery Management Council (Council) in conjunction with NMFS intends to prepare a DEIS to assess the impacts on the natural and human environment of the management measures proposed in its draft Amendment 7 to the Fishery Management Plan (FMP) for the Shrimp Fishery of the South Atlantic Region. Options will address the 15,000-pound landings requirement for permits, permits that may have been lost due to not meeting the 15,000-pound requirement or failure to renew the limited entry permit, and requirements for all shrimp permit holders to provide economic data if selected.

### Timetable:

Action	Date	FR Cite
NPRM	11/00/08	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701  
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**RIN:** 0648-AW19

## 213. MARINE MAMMAL PROTECTION ACT STRANDING REGULATION REVISIONS

**Legal Authority:** 16 USC 1379; 16 USC 1382; 16 USC 1421

**Abstract:** The National Marine Fisheries Service (NMFS) is considering proposing changes to its implementing regulations (50 CFR section 216) governing the taking of stranded marine mammals under section 109(h), section 112(c), and title IV of the Marine Mammal Protection Act and is soliciting public comment to better inform the process. NMFS intends clarify the requirements and procedures for responding to stranded marine mammals and for determining the disposition of rehabilitated marine mammals, which includes the procedures for the placement of non-releasable animals and for authorizing the retention of releasable rehabilitated

marine mammals for scientific research, enhancement, or public display. This action will be analyzed under the National Environmental Policy Act with an Environmental Assessment.

### Timetable:

Action	Date	FR Cite
ANPRM	01/31/08	73 FR 5786
ANPRM Comment Period End	03/31/08	
NPRM	11/00/08	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** David Cottingham, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East West Highway, Silver Spring, MD 20910  
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**RIN:** 0648-AW22

## 214. REVISE REGULATIONS GOVERNING THE NORTH PACIFIC GROUND FISH OBSERVER PROGRAM

**Legal Authority:** 118 Stat 110; 16 USC 773 et seq; 16 USC 1801 et seq; 16 USC 3631 et seq; PL 108-199

**Abstract:** This rulemaking would revise Federal regulations relevant to numerous administrative and procedural requirements applicable to observer providers, observers, and industry participating in the North Pacific Groundfish Observer Program. Specifically, the proposed actions would: Modify the current permit issuance process so that observer and observer provider permit issuance is a discretionary National Marine Fisheries Service (NMFS) decision; amend current Federal regulations addressing observer behavior involving drugs, alcohol, and physical sexual conduct to remove NMFS oversight of observer behavior that does not affect job performance; require that observer providers submit policies related to these activities and continue to notify NMFS upon learning of an incident; revise Federal regulations so that observer providers are allowed to provide observers or technical staff for purposes of exempted fishing permits, scientific research permits, or other scientific research activities; revise the definition of "fishing day" in Federal regulations; require observer providers to annually submit detailed economic information to NMFS; specify a date by which observers who have collected

## DOC—NOAA

## Proposed Rule Stage

data in the previous fishing year would be required to be available for debriefing; and implement housekeeping issues related to errors or clarifications in existing regulations at 50 CFR 679.50.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/09	
NPRM Comment Period End	03/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
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**RIN:** 0648-AW24

**215. AMENDMENT 3 TO THE NORTHEAST SKATE COMPLEX FISHERY MANAGEMENT PLAN**

**Legal Authority:** 16 USC 1801

**Abstract:** Amendment 3 is intended to address the overfished status of winter and thorny skates, and prevent other skate species in the complex from becoming overfished. It will establish a rebuilding program for winter skate, and modify the Skate FMP to reduce fishing mortality on the entire skate complex.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	
NPRM Comment Period end	12/00/08	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

**RIN:** 0648-AW30

**216. FISHERIES IN THE WESTERN PACIFIC; WESTERN PACIFIC PELAGIC FISHERIES; AMENDMENT 18 TO THE PELAGICS FISHERY MANAGEMENT PLAN; SHALLOW-SET LONGLINE SWORDFISH FISHERY**

**Legal Authority:** 16 USC 1801

**Abstract:** The Hawaii-based shallow-set longline fishery currently operates under regulations that limit fishing effort and interactions with sea turtles. This action would increase fishing opportunities, while continuing to protect turtles and other protected resources.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	
NPRM Comment Period End	01/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814  
Phone: 808 944-2207

**RIN:** 0648-AW49

**217. ESTABLISH A PERMIT FEE COLLECTION FRAMEWORK UNDER THE FISHERY MANAGEMENT PLAN FOR U.S. WEST COAST FISHERIES FOR HIGHLY MIGRATORY SPECIES (HMS FMP)**

**Legal Authority:** 16 USC 1801

**Abstract:** This action would establish the authority to collect permit fees under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species. This rule would amend the FMP regulations under 50 CFR 660.707 to establish a permit fee collection framework for HMS commercial and recreational charter vessels operating off the West Coast. The action is consistent with and implements elements of the NMFS Permit Fee National Policy Directive 30-120.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	
NPRM Comment Period End	12/00/08	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Craig Heberer, Fisheries Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802  
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**RIN:** 0648-AW50

**218. FISHERIES IN THE WESTERN PACIFIC; COMPENSATION TO NORTHWESTERN HAWAIIAN ISLANDS BOTTOMFISH AND LOBSTER FISHERMEN DUE TO FISHERY CLOSURE IN THE PAPAHAUUMOKUAKEA MARINE NATIONAL MONUMENT**

**Legal Authority:** PL 110-161

**Abstract:** The Consolidated Appropriations Act of 2008 authorizes the Secretary of Commerce to provide compensation to bottomfish and lobster fishery participants who will be displaced by the 2011 fishery closure resulting from the establishment by Presidential Proclamation of the Papahānaumokuākea Marine National Monument, Northwestern Hawaiian Islands. The National Marine Fisheries Service (NMFS) (designee of the Secretary) is required to promulgate regulations to implement a voluntary capacity reduction program that: (1) Identifies eligible participants as those individuals holding Federal fishing permits for lobster or bottomfish in the designated waters within the monument, (2) provides a mechanism to compensate eligible participants for no more than the economic value of their permits, and (3) at the option of each eligible permit holder, provides an optional mechanism for additional compensation based on the value of the fishing vessel and gear of eligible participants who decide to receive these additional funds, provided that the vessels of such participants will not be used for fishing. For this purpose, \$6,697,500 is authorized to be appropriated to the NMFS for FY 2008.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	

**Regulatory Flexibility Analysis**

**Required:** Yes

## DOC—NOAA

## Proposed Rule Stage

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**RIN:** 0648-AW52

### 219. • AMENDMENT 16 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER GROUPER FISHERY OF THE SOUTH ATLANTIC REGION

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** The need for action through Amendment 16 is to end overfishing of gag and vermilion snapper. Species in the fishery management unit are assessed on a routine basis and stock status may change as new information becomes available. In addition, changes in management regulations, fishing techniques, and social/economic structure can result in shifts in the percentage of harvest between user groups over time. More specifically, these proposed actions for gag and vermilion snapper would: Implement measures to end overfishing of gag and vermilion snapper; allow the Regional Administrator to make adjustments to commercial and recreational management measures based on the reduction in harvest needed to achieve yield at Foy pending the outcome of a new benchmark assessment for vermilion snapper; specify the total allowable catch and define interim allocations for gag and vermilion snapper; update management reference points for gag and vermilion snapper; and reduce bycatch of snapper grouper species.

#### Timetable:

Action	Date	FR Cite
Notice of Availability of DEIS	04/25/08	73 FR 22365
NPRM	02/00/09	

#### Regulatory Flexibility Analysis

**Required:** Yes

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**RIN:** 0648-AW64

### 220. • ATLANTIC HIGHLY MIGRATORY SPECIES; ATLANTIC SHARK MANAGEMENT MEASURES

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** This rule would evaluate the management measures for small coastal sharks (SCS) based on the results of the 2007 SCS stock assessment. This rulemaking could consider, among other things, commercial quotas and trip limits, recreational minimum size and bag limits, time/area closures, and the public display quota. In addition, this rule would implement a rebuilding plan for blacknose sharks. To the extent that blacknose sharks are caught in fisheries that are not targeted highly migratory species fisheries, the National Marine Fisheries Service (NMFS) will work with the appropriate Regional Fishery Management Council, Interstate Commission, and States to implement regulations through their processes to rebuild blacknose sharks. This action is necessary in light of recent stock assessments, which have determined that blacknose sharks are overfished with overfishing occurring. As needed, this rule may include others items to clarify existing regulations. This action is not significant under the meaning of E.O. 12866 since it is below the economic threshold of impact and has no novel policy issues associated with it. Additionally, NMFS does not anticipate that major changes to shark management will occur as a result of this action.

#### Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
NPRM Comment Period End	12/00/08	

#### Regulatory Flexibility Analysis

**Required:** Yes

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**RIN:** 0648-AW65

### 221. • AMENDMENT 4 TO THE ATLANTIC HERRING FISHERY MANAGEMENT PLAN

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** The goal of Amendment 4 is to improve catch monitoring and ensure compliance with the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) of 2006. The proposed objectives of Amendment 4 are as follows: To implement measures to improve the long-term monitoring of catch (landings and bycatch) in the herring fishery; to implement Annual Catch Limits (ACLs) and Accountability Measures (AMs) consistent with the MSRA; to implement other management measures as necessary to ensure compliance with the new provisions of the MSRA; to develop a sector allocation process or other Limited Access Privilege Program (LAPP) for the herring fishery; and in the context of the previous objectives, to consider the health of the herring resource and the important role of herring as a forage fish and predator fish throughout.

#### Timetable:

Action	Date	FR Cite
Notice	05/08/08	73 FR 26082
Notice Comment Period End	06/30/08	
NPRM	11/00/08	

#### Regulatory Flexibility Analysis

**Required:** Yes

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Phone: 978 281-9200

**RIN:** 0648-AW75

### 222. • INTERIM ACTION TO REDUCE FISHING MORTALITY AND MAINTAIN STOCK REBUILDING; NORTHEAST MULTISPECIES FISHERY

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** The Fishery Management Plan (FMP) requires fishing mortality reductions to be implemented May 1, 2009, as a part of the rebuilding plan specified under Amendment 13 to the FMP, and if additional reductions in fishing mortality are necessary as a result of stock assessments that will occur in August 2008. The New England Fishery Management Council is currently developing Amendment 16 to the FMP that, if approved, would implement management measures to achieve the necessary fishing mortality

## DOC—NOAA

## Proposed Rule Stage

reductions to meet the required objectives of the FMP, as well as other extensive modifications to the FMP. However, due to the scope and complexity of Amendment 16, it is likely that the development of the Amendment may be behind schedule and not be implemented by May 1, 2009. Therefore, due to the need to meet the rebuilding goals of the FMP by May 1, 2009, an interim action is being developed by NOAA's National Marine Fisheries Service. This interim action would be more narrow in scope than Amendment 16 and focus on the required adjustments to the FMP, and include a measure that would provide flexibility to the industry and mitigate negative economic impacts. This action would remain in effect until Amendment 16 is implemented, which is expected no later than May 1, 2010.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

**RIN:** 0648-AW87

### 223. • HALIBUT CHARTER VESSEL MORATORIUM

**Legal Authority:** 16 USC 773 to 773k

**Abstract:** This action would implement a moratorium on the entry of additional charter vessels into the guided sport fishery for Pacific halibut in waters of International Pacific Halibut Commission regulatory areas 2C (Southeast Alaska) and 3A (Central Gulf of Alaska). If approved, this moratorium would limit the number of charter vessels that may participate in the guided sport fishery for halibut in these areas. The National Marine Fisheries Service would issue a moratorium permit to a licensed charter vessel fishing business owner based on his or her past participation in the charter vessel fishery for halibut and to a Community Quota Entity representing specific rural communities. All moratorium permit holders would be subject to limits on the number of permits they could hold

and on the number of charter vessel anglers who could catch and retain halibut on the permitted charter vessel. This action is proposed to achieve the halibut fishery management goals of the North Pacific Fishery Management Council. The intended effect is to curtail growth of fishing capacity in the guided sport fishery for halibut.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	
NPRM Comment Period End	01/00/09	
Final Action	03/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AW92

### 224. • ALLOWABLE MODIFICATIONS TO THE TURTLE EXCLUDER DEVICE (TED) REQUIREMENTS

**Legal Authority:** 16 USC 1531 et seq

**Abstract:** The National Marine Fisheries Service proposes to revise the turtle excluder device (TED) requirements to allow new materials and modifications to existing approved TED designs. Specifically, proposed allowable modifications include the use of flat bar, box pipe, and oval pipe for use in currently-approved TED grids; an increase in mesh size on escape flaps from 1-5/8 inches to 2 inches; the use of the Boone single straight cut and triangular escape openings; specifications on the use of TED grid brace bars; and the use of the Chauvin Shrimp Kicker to improve shrimp retention.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Michael Barnette, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701

Phone: 727 551-5794

**RIN:** 0648-AW93

### 225. • SEABIRD AVOIDANCE REQUIREMENTS REVISIONS FOR HOOK-AND-LINE VESSELS IN INTERNATIONAL PACIFIC HALIBUT COMMISSION REGULATORY AREA 4E

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** The National Marine Fisheries Service takes this action to revise the seabird avoidance regulations for the hook-and-line fishery for groundfish and halibut in the International Pacific Halibut Commission regulatory area 4E of the Bering Sea. This action would eliminate seabird avoidance requirements for hook-and-line vessels less than or equal to 55 feet length overall in portions of Area 4E. This action is necessary to revise seabird avoidance regulations based on the latest scientific information regarding the location of seabirds and fishing activities and to reduce unnecessary regulatory burdens and associated costs.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	
NPRM Comment Period End	12/00/08	
Final Rule	01/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AW94

### 226. • REGULATORY AMENDMENT (●3) TO CORRECT AND CLARIFY AMENDMENT 13 AND SUBSEQUENT FRAMEWORKS OF THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** This action would make corrections and clarifications to the final rule implementing Amendment 13 to the Northeast Multispecies Fishery Management Plan, as well as subsequent groundfish actions. These

## DOC—NOAA

## Proposed Rule Stage

corrections are administrative in nature and are intended to correct inaccurate references and other inadvertent errors and to clarify specific regulations to maintain consistency with the intent of Amendment 13 and subsequent actions.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

**RIN:** 0648-AW95

## 227. • AMENDMENT 28 TO THE FISHERY MANAGEMENT PLAN FOR BERING SEA AND ALEUTIAN ISLANDS KING AND TANNER CRAB

**Legal Authority:** 16 USC 1862; PL 109-241; PL 109-479

**Abstract:** This action would implement Amendment 28 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crabs to allow unlimited post-delivery transfers of shares to cover overages within the crab fishing year ending June 30. Under the crab rationalization program, harvesters receive annual allocations of individual fishing quota that provide an exclusive privilege to harvest a specific number of pounds of crab from a fishery. Any harvest in excess of an individual fishing quota allocation is a regulatory violation punishable by confiscation of crab or other penalties. Precisely estimating of catch at sea during the fishery is difficult and costly due to variation in size of crab, and sorting and measurement requirements. Overages can result from inadvertent mistakes by participants attempting to accurately estimate catch. A provision allowing for post-delivery transfer of individual fishing quota to cover overages could reduce the number of inadvertent violations, allowing for more complete harvest of allocations, and reduce enforcement costs without increasing the risk of over harvest of allocations.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	

Action	Date	FR Cite
NPRM Comment Period End	12/00/08	
Final Rule	01/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AW97

## 228. • AMENDMENT 11 TO THE ATLANTIC MACKEREL, SQUID, BUTTERFISH FISHERY MANAGEMENT PLAN

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** Amendment 11 may consider: (1) Limited access in the Atlantic mackerel (mackerel) fishery; (2) implementation of annual catch limits (ACLs) and accountability measures (AMs) for mackerel and butterflyfish required under the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA); (3) updating of the description and identification of essential fish habitat (EFH) for all life stages of mackerel, Loligo squid, Illex squid, and butterflyfish (including gear impacts on Loligo squid egg EFH); and (4) possible limitations on at-sea processing of mackerel.

**Timetable:**

Action	Date	FR Cite
Notice of Intent	08/11/08	73 FR 46590
NPRM	06/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

**RIN:** 0648-AX05

## 229. • ATLANTIC HIGHLY MIGRATORY SPECIES; 2009 NORTH AND SOUTH ATLANTIC COMMERCIAL QUOTAS

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** This rule would establish the 2009 fishing season quotas for North and South Atlantic swordfish based on recent updated landings information and recommendations from the 2008 annual meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT). This rule is necessary to ensure that current swordfish quotas account for underharvests and reserve transfer from the 2008 fishing year, consistent with regulations at 50 CFR part 635 and ICCAT recommendations that establish the U.S. North and South Atlantic swordfish allocations. This proposed rule may also include other minor regulatory clarifications.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Margo Schulze-Haugen, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East West Highway, Silver Spring, MD 20910  
Phone: 301 713-0234  
Email: margo.schulze-haugen@noaa.gov

**RIN:** 0648-AX07

## 230. • ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); 2009 ATLANTIC BLUEFIN TUNA QUOTA SPECIFICATIONS AND MANAGEMENT MEASURES

**Legal Authority:** 16 USC 971 et seq; 16 USC 1801 et seq

**Abstract:** This rule would set Atlantic bluefin tuna (BFT) quota specifications and seasonal management measures for the 2009 fishing year (January 1, 2009 to December 31, 2009), and amend the BFT regulations. This action would implement the U.S. annual BFT quota as recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and allocate that quota among the domestic fishing categories. The seasonal management measures would set daily retention limits and their duration for both the General and Angling categories. The annual specification process is set forth in current regulations implemented under the Consolidated Highly Migratory Species Fishery Management Plan (FMP). Other BFT regulatory

## DOC—NOAA

## Proposed Rule Stage

amendments would be made within the framework procedures of the FMP. As ICCAT meets in November of the prior year, the rulemaking process needs to be performed expeditiously in order to publish the measures as soon as possible in the 2009 fishing year.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/09	
NPRM Comment Period End	02/00/09	
Final Action	03/00/09	
Final Action Effective	04/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910  
Phone: 301 713-2334

**RIN:** 0648-AX12

**231. • AMENDMENT 92 TO THE FISHERY MANAGEMENT PLAN FOR BERING SEA/ALEUTIAN ISLANDS GROUND FISH AND AMENDMENT 82 TO THE FISHERY MANAGEMENT PLAN FOR GULF OF ALASKA GROUND FISH**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** Amendments 92/82 would remove trawl gear endorsements on licenses issued under the license limitation program in specific management areas if those licenses have not been used on vessels that meet minimum recent landing requirements using trawl gear. This action would provide exemptions to this requirement for licenses that are used in trawl fisheries subject to quota-based management. This action would issue new area endorsements for trawl catcher vessels in the Aleutian Islands if minimum recent landing requirements in the Aleutian Islands were met. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMPs, and other applicable law.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	
Final Action	01/00/09	

**Regulatory Flexibility Analysis**  
**Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AX14

**232. • 2009 ATLANTIC MACKEREL, SQUID, AND BUTTERFISH SPECIFICATIONS AND MANAGEMENT MEASURES**

**Legal Authority:** 16 USC 1801

**Abstract:** This action would establish 2009 specifications and management measures for the MSB fisheries.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

**RIN:** 0648-AX16

**233. • ONE-FISH DAILY BAG LIMIT FOR THE GUIDED SPORT CHARTER VESSEL FISHERY FOR HALIBUT IN REGULATORY AREA 2C**

**Legal Authority:** 16 USC 773 to 773K

**Abstract:** The regulatory action would implement a one-fish daily bag limit to reduce the charter halibut fishery harvest in Area 2C to the guideline harvest limit.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221

Fax: 907 586-7249

**RIN:** 0648-AX17

**234. PROTECTIVE REGULATIONS FOR KILLER WHALES IN THE NORTHWEST REGION UNDER THE ENDANGERED SPECIES ACT AND MARINE MAMMAL PROTECTION ACT**

**Legal Authority:** 16 USC 1361 et seq; 16 USC 1531 to 1543

**Abstract:** The National Marine Fisheries Service (NMFS) is considering whether to propose regulations to protect killer whales (*Orcinus orca*) in the Pacific Northwest. The Southern Resident killer whale distinct population segment (DPS) was listed as endangered under the Endangered Species Act (ESA) on November 18, 2005 (70 FR 69903). In the final rule announcing the listing, NMFS identified vessel effects, including direct interference and sound, as a potential contributing factor in the recent decline of this population. Both the Marine Mammal Protection Act (MMPA) and the ESA prohibit take, including harassment, of killer whales, but these statutes do not prohibit specified acts. NMFS is now considering whether to propose regulations that would prohibit certain acts, under our general authorities under the ESA and MMPA and their implementing regulations. The Proposed Recovery Plan for Southern Resident killer whales (71 FR 69101; November 29, 2006) includes as a management action the evaluation of current guidelines and the need for regulations and/or protected areas. The scope of this ANPR encompasses the activities of any person or conveyance that may result in the unauthorized taking of killer whales and/or that may cause detrimental individual-level and population-level impacts. NMFS requests comments on whether—and if so, what type of—conservation measures, regulations, and, if necessary, other measures would be appropriate to protect killer whales from the effects of these activities.

**Timetable:**

Action	Date	FR Cite
NPRM	03/22/07	72 FR 13464
NPRM Comment Period End	04/23/07	
Second NPRM	12/00/08	

**Regulatory Flexibility Analysis**

**Required:** Yes



## DOC—NOAA

## Proposed Rule Stage

**Agency Contact:** James H. Lecky, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-2332

**RIN:** 0648-AV15

### 235. DESIGNATION OF CRITICAL HABITAT FOR THE ENDANGERED U.S. DISTINCT POPULATION SEGMENT (DPS) OF SMALLTOOTH SAWFISH

**Legal Authority:** 16 USC 1531 et seq

**Abstract:** This action would designate critical habitat for the U.S. DPS of smalltooth sawfish, which was listed as endangered on April 1, 2003. The designation would be located in Florida, within the current geographic range of the species. Comments from the public on the proposal, including information on the economic impacts, national security, and other relevant documents, as well as the benefits to the species from the designation will be solicited during a 60-day comment period. A draft economic analysis and Section 4(b)(2) report will be conducted in support of this proposed rule.

#### Timetable:

Action	Date	FR Cite
NPRM	12/00/08	
NPRM Comment Period End	02/00/09	

#### Regulatory Flexibility Analysis Required: Yes

**Agency Contact:** Shelley L. Norton, Smalltooth Sawfish and Johnson's Seagrass Coordinator, Department of Commerce, National Oceanic and Atmospheric Administration, 253 13th Avenue South, St. Petersburg, FL 33701  
Phone: 727 551-5781  
Fax: 727 524-5309  
Email: shelley.norton@noaa.gov

**RIN:** 0648-AV74

### 236. MARINE MAMMAL PROTECTION ACT PERMIT REGULATION REVISIONS

**Legal Authority:** 16 USC 1374

**Abstract:** The National Marine Fisheries Service (NMFS) is considering proposing changes to its implementing regulations (50 CFR part 216) governing the issuance of permits for scientific research and enhancement activities

under Section 104 of the Marine Mammal Protection Act and is soliciting public comment to better inform the process. NMFS intends to streamline and clarify general permitting requirements and requirements for scientific research and enhancement permits, simplify procedures for transferring marine mammal parts, possibly apply the General Authorization (GA) to research activities involving Level A harassment of non-endangered marine mammals, and implement a 'permit application cycle' for application submission and processing of all marine mammal permits. NMFS intends to write regulations for marine mammal photography permits and is considering whether this activity should be covered by the GA. Any recommendations received in response to this advance notice of proposed rulemaking regarding regulations at 50 CFR part 216 will be considered prior to proposed rulemaking.

#### Timetable:

Action	Date	FR Cite
ANPRM	09/13/07	72 FR 52339
Comment Period Extended to December 13, 2007	10/15/07	72 FR 58279
ANPRM Comment Period End	11/13/07	
NPRM	07/00/09	

#### Regulatory Flexibility Analysis Required: Yes

**Agency Contact:** James H. Lecky, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-2332

**RIN:** 0648-AV82

### 237. RULEMAKING TO ESTABLISH TAKE PROHIBITIONS FOR THE THREATENED SOUTHERN DISTINCT POPULATION SEGMENT OF NORTH AMERICAN GREEN STURGEON

**Legal Authority:** 16 USC 1531 to 1543

**Abstract:** Under section 4(d) of the Federal Endangered Species Act (ESA), the Secretary of Commerce is required to adopt such regulations as he deems necessary and advisable for the conservation of species listed as threatened. This rulemaking would establish an ESA 4(d) rule representing regulations that NMFS believes

necessary and advisable to conserve the threatened Southern Distinct Population Segment of North American green sturgeon (Southern DPS of green sturgeon). The 4(d) rule would apply the prohibitions listed under ESA section 9(a)(1)(A) and 9(a)(1)(D) through 9(a)(1)(G) for the Southern DPS and apply ESA section 9(a)(1)(B) and (a)(1)(C) prohibitions (called the "take prohibitions") to specific activities that take Southern DPS fish or alter its habitat in a manner detrimental to the continued existence of the species. The 4(d) rule would include exceptions to the take prohibitions for activities conducted in a way that NMFS deems adequate to protect or conserve the Southern DPS.

#### Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
NPRM Comment Period End	01/00/09	

#### Regulatory Flexibility Analysis Required: Yes

**Agency Contact:** Marta Nammack, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-1401  
Fax: 301 427-2523  
Email: marta.nammack@noaa.gov

**RIN:** 0648-AV94

### 238. HARBOR PORPOISE TAKE REDUCTION PLAN MEASURES

**Legal Authority:** 16 USC 1361 et seq

**Abstract:** The National Marine Fisheries Service is preparing a proposed rule to reduce the number of harbor porpoise taken in sink gillnet fisheries in the Gulf of Maine and Mid-Atlantic. The Harbor Porpoise Take Reduction Plan implemented measures to reduce the incidental capture of harbor porpoises in sink gillnets to below the stock's Potential Biological Removal level (PBR) in 1999. Measures include: management areas in which deterrent devices (pingers) are required on gillnets; gear modifications; and seasonal closures. Between 2001 and 2005, incidental takes of harbor porpoise showed an increasing trend, and currently takes exceed PBR. The proposed rule will implement measures developed through discussions with the Harbor Porpoise Take Reduction Team,

## DOC—NOAA

## Proposed Rule Stage

which was reconvened in 2007 when it was clear that existing measures were not sufficient to keep porpoise bycatch to below PBR. For the Gulf of Maine, this action would expand pinger use in Massachusetts Bay to include November; establish Stellwagen Bank Management Area, requiring pingers November to May; establish Coastal Gulf of Maine Consequence Closure Area and require closure in October and November only if, after the most current two years, the average bycatch rate exceeds the trigger rate of .031, identified from observed compliant boats from the Mid-Coast, Massachusetts Bay, and Stellwagen Bank Management Areas; create Southern New England Management Area (includes current Cape Cod South Management Area); require pingers from December to May; establish Cape Cod South Expansion and Eastern Cape Cod Consequence Closure Areas; and require closure from February to April only if, after the most current two years, the average bycatch rate exceeds the trigger rate of 0.023, identified from observed compliant vessels fishing in the Southern New England Management Area. For the Mid Atlantic, this action would establish Mudhole South Management Area. Close from February 1 to March 15; and modify tie-down requirement.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/09	
NPRM Comment Period End	02/00/09	
Final Action	06/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Melissa Andersen, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East West Highway, Silver Spring, MD 20910  
Phone: 301 713-2322  
Email: melissa.andersen@noaa.gov  
**RIN:** 0648-AW51

**239. • RULEMAKING TO DESIGNATE CRITICAL HABITAT FOR THE GULF OF MAINE DISTINCT POPULATION SEGMENT OF ATLANTIC SALMON**

**Legal Authority:** 16 USC 1531 et seq

**Abstract:** Under section 4 of the Endangered Species Act (ESA), the Secretary of Commerce (Secretary) shall designate critical habitat for species

listed as threatened or endangered. This rulemaking would designate critical habitat in 45 specific areas occupied by Atlantic salmon at the time of listing that comprise approximately 203,781 km of perennial river, stream, and estuary habitat and 868 square km of lake habitat within the range of the Gulf of Maine's distinct population segment and on which are found those physical and biological features essential to the conservation of the species. A draft economic analysis, biological report, and ESA section 4(b)(2) analysis report in support of the proposed rulemaking will be available for public review and comment. We solicit comments from the public regarding the proposed rulemaking, including comments on economic, national security, or other relevant impacts, as well as the benefits of the designation to Gulf of Maine Atlantic salmon.

**Timetable:**

Action	Date	FR Cite
NPRM	09/05/08	73 FR 51747
NPRM Comment Period End	11/04/08	
NPRM Comment Period End Extended	12/05/08	
Final Action	02/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** James H. Lecky, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-2332  
Fax: 301 427-2520  
Email: jim.lecky@noaa.gov  
**RIN:** 0648-AW77

**240. • RULEMAKING TO DESIGNATE CRITICAL HABITAT FOR THE THREATENED SOUTHERN DISTINCT POPULATION SEGMENT OF NORTH AMERICAN GREEN STURGEON**

**Legal Authority:** 16 USC 1531 et seq

**Abstract:** Under section 4 of the Endangered Species Act (ESA), the Secretary of Commerce (Secretary) shall designate critical habitat for species listed as threatened or endangered. This rulemaking would designate critical habitat for the threatened Southern Distinct Population Segment of North American green sturgeon (Southern

DPS), including: the Sacramento River, lower Feather River, and lower Yuba River in California; the Sacramento-San Joaquin Delta and Suisun, San Pablo, and San Francisco Bays in California; certain coastal bays and estuaries in California, Oregon, and Washington; and coastal marine waters within 110 m depth off California, Oregon, and Washington. A draft economic analysis, biological report, and ESA section 4(b)(2) analysis report in support of the proposed rulemaking will be available for public review and comment.

**Timetable:**

Action	Date	FR Cite
NPRM	09/08/08	73 FR 52084
NPRM Comment Period End	12/22/08	
Final Action	06/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** James H. Lecky, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-2332  
Fax: 301 427-2520  
Email: jim.lecky@noaa.gov  
**RIN:** 0648-AX04

**241. • RULE TO REVISE LEATHERBACK CRITICAL HABITAT**

**Legal Authority:** 16 USC 1531 et seq

**Abstract:** The National Marine Fisheries Service announces a rule to revise leatherback turtle (*Dermochelys coriacea*) critical habitat under the Endangered Species Act of 1973, as amended. The leatherback is currently listed as endangered throughout its range, and critical habitat consists of Sandy Point Beach and adjacent waters, St. Croix, U.S. Virgin Islands. This rule would revise critical habitat to include waters along the U.S. West Coast.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/08	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Therese Conant, Department of Commerce, National Oceanic and Atmospheric Administration, Silver Spring, MD 20910  
Phone: 301 713-1431

## DOC—NOAA

## Proposed Rule Stage

Fax: 301 713-0376

RIN: 0648-AX06

## Department of Commerce (DOC)

## Final Rule Stage

## National Oceanic and Atmospheric Administration (NOAA)

## NATIONAL MARINE FISHERIES SERVICE

## 242. REQUIRE MANDATORY OBSERVER COVERAGE IN THE AT-SEA PROCESSING SECTOR OF THE WHITING FISHERY

**Legal Authority:** 16 USC 1801 et seq**Abstract:** This action amends the regulations implementing the Pacific Coast Groundfish Fishery Management Plan to provide for a mandatory, vessel-financed observer program on at-sea processing vessels.**Timetable:**

Action	Date	FR Cite
NPRM	09/10/03	68 FR 53334
NPRM Comment Period End	10/10/03	
Interim Final Rule	06/07/04	69 FR 31751
Interim Final Rule Comment Period End	07/07/04	
Final Action	11/00/08	

**Regulatory Flexibility Analysis****Required:** Yes**Agency Contact:** D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Building 1, Seattle, WA 48115-0070  
Phone: 206 526-6150  
Fax: 206 526-6426

RIN: 0648-AK26

## 243. REVISIONS TO THE SCIENTIFIC RESEARCH ACTIVITY, EXEMPTED FISHING, AND EXEMPTED EDUCATIONAL ACTIVITY REGULATIONS

**Legal Authority:** 16 USC 1801 et seq**Abstract:** The National Marine Fisheries Service amends the regulations at 50 CFR 600.745. The action is intended to provide clearer guidance to the public for obtaining appropriate acknowledgments and permits and to facilitate the timely conduct of research to address bycatch and habitat issues in the fisheries.**Timetable:**

Action	Date	FR Cite
NPRM	12/21/07	72 FR 72657
NPRM Comment Period Extended	03/18/08	73 FR 14428
NPRM Comment Period End	03/20/08	
NPRM Comment Period Extended End	04/04/08	
Final Action	11/00/08	

**Regulatory Flexibility Analysis****Required:** Yes**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910  
Phone: 301 713-2334

RIN: 0648-AR78

## 244. WESTERN PACIFIC SQUID FISHERY

**Legal Authority:** 16 USC 1801 et seq**Abstract:** This action would designate pelagic squid as a management unit species under the Western Pacific Pelagics Fishery Management Plan, and establish permitting and reporting requirements.**Timetable:**

Action	Date	FR Cite
Notice Of Availability	08/11/08	73 FR 46581
NPRM	08/28/08	73 FR 50751
Notice Comment Period End	10/10/08	
NPRM Comment Period End	10/14/08	
Final Action	11/00/08	

**Regulatory Flexibility Analysis****Required:** Yes**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814  
Phone: 808 944-2207

RIN: 0648-AS71

## 245. AMENDMENT 14 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC REGION

**Legal Authority:** 16 USC 1801 et seq**Abstract:** Amendment 14 would establish a series of 8 Type II Marine Protected Areas (MPAs) in Federal waters in the South Atlantic. The MPAs range in size from 8 square nautical miles to 150 square nautical miles, and would be distributed from North Carolina south to the Florida Keys. Within the MPAs, fishing for, or retention of, species in the snapper grouper management complex would be prohibited, as would the use of shark bottom longline fishing gear. Trolling for pelagic species such as tuna, dolphin, and mackerel would be allowed within the MPAs.**Timetable:**

Action	Date	FR Cite
Notice	07/20/06	71 FR 41207
Notice Of Availability	06/06/08	73 FR 32281
NPRM	07/16/08	73 FR 40824
NPRM Comment Period End	08/15/08	
Final Action	11/00/08	

**Regulatory Flexibility Analysis****Required:** Yes**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701  
Phone: 727 570-5305  
Fax: 727 570-5583  
Email: roy.crabtree@noaa.gov

RIN: 0648-AU28

## 246. FRAMEWORK 4 TO THE FISHERY MANAGEMENT PLAN FOR MONKFISH

**Legal Authority:** 16 USC 1801 et seq**Abstract:** This framework adjustment would establish target TACs of 5,000 mt and 5,100 mt for the Northern Fishery Management Area (NFMA) and Southern Fishery Management Area (SFMA), respectively, for the final 3 years of the rebuilding plan (FY 2007

## DOC—NOAA

## Final Rule Stage

to FY 2009), unless otherwise modified by the Monkfish Monitoring Committee (MFMC) during their annual review process. Essentially, this framework adjustment would remove the Framework 2 control rule and replace it with target TACs that were developed based upon an analysis conducted by the Monkfish Plan Development Team (PDT). This framework would also implement monkfish Days-at-Sea requirements for vessels fishing in the NFMA, and addresses other minor issues raised by industry.

**Timetable:**

Action	Date	FR Cite
Proposed Rule and Proposed Interim Rule	03/20/07	72 FR 13069
Comment Period End	04/19/07	
Interim Final Rule	04/27/07	72 FR 20952
Interim Final Rule	09/21/07	72 FR 53942
Interim Final Rule Comment Period End	10/22/07	
Final Action	12/00/08	

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

**RIN:** 0648-AU34

**247. REVISION TO ALLOWABLE BYCATCH REDUCTION DEVICES FOR THE GULF OF MEXICO SHRIMP FISHERY**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** In accordance with the framework procedures for adjusting management measures of the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP), the National Marine Fisheries Service proposes to decertify the expanded mesh bycatch reduction device (BRD), the Gulf fisheye BRD, and to revise the allowable configuration of the fisheye BRD for use in the Gulf of Mexico shrimp fishery. The intended effect of this rule is to improve bycatch reduction in the shrimp fishery and better meet the requirements of national standard 9.

**Timetable:**

Action	Date	FR Cite
NPRM	06/03/08	73 FR 31669
NPRM Comment Period End	07/03/08	
Comment Period Extended	07/07/08	73 FR 38387
Final Action	11/00/08	

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701  
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**RIN:** 0648-AV14

**248. MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT (MSRA) ENVIRONMENTAL REVIEW PROCEDURE**

**Regulatory Plan:** This entry is Seq. No. 24 in part II of this issue of the **Federal Register**.

**RIN:** 0648-AV53

**249. GUIDANCE FOR ANNUAL CATCH LIMITS AND ACCOUNTABILITY MEASURES TO END OVERFISHING**

**Regulatory Plan:** This entry is Seq. No. 25 in part II of this issue of the **Federal Register**.

**RIN:** 0648-AV60

**250. GENERAL PROVISIONS FOR DOMESTIC FISHERIES; SPECIFICATIONS FOR BOARDING LADDERS**

**Legal Authority:** 16 USC 1801 et seq; 16 USC 2431 et seq; 16 USC 3636(b); 16 USC 5501 et seq; 16 USC 773 et seq; 16 USC 951 to 961; 16 USC 973 to 973r; 16 USC 971 et seq

**Abstract:** This regulation would require domestic fishing vessels to have a U.S. Coast Guard-approved pilot ladder on board as a safer means for authorized personnel to board the vessels in carrying out their duties under the Magnuson-Stevens Fishery Conservation and Management Act, the Atlantic Tunas Convention Act and other applicable laws. This action is necessary to provide for the safety of

personnel boarding domestic fishing vessels, as current standards have proven to be inadequate. This action would establish a safer and more enforceable national standard for ladders used by authorized officers for boarding domestic fishing vessels subject to Federal regulation.

**Timetable:**

Action	Date	FR Cite
NPRM	12/11/07	72 FR 70286
NPRM Comment Period End	01/10/08	
Second NPRM	01/25/08	73 FR 4514
Second NPRM Comment Period End	02/25/08	
Final Action	11/00/08	

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910  
Phone: 301 713-2334

**RIN:** 0648-AV78

**251. • AMENDMENT 27 TO THE FISHERY MANAGEMENT PLAN FOR BERING SEA/ALEUTIAN ISLANDS KING AND TANNER CRABS**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** Amendment 27 to the Fishery Management Plan (FMP) would amend the FMP to allow processors to modify use caps that limit the amount of individual processor quota (IPQ) shares that may be used by persons processing crab. Specifically, Amendment 27 would allow persons holding IPQ shares to process their crab at processing facilities they do not own through contractual arrangements with the facility owners to have their crab custom processed at that facility. Any crab processed under such a custom processing arrangement would not be applied against the IPQ use cap of the facility owners. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMP, and other applicable law.

**Timetable:**

Action	Date	FR Cite
NPRM	09/19/08	73 FR 54346

## DOC—NOAA

## Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	11/03/09	
Final Rule	01/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
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**RIN:** 0648-AW73

**252. • REFERENDUM PROCEDURES FOR A POTENTIAL GULF OF MEXICO GROUPER AND TILEFISH INDIVIDUAL FISHING QUOTA (IFQ) PROGRAM**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** Grouper and tilefish species in the Gulf of Mexico are managed under the reef fish fishery management plan. Past management practices under the plan have contributed to overcapitalization in these fisheries, which the Council now seeks to address. The Council is considering an IFQ program to further control effort in the commercial grouper and tilefish fisheries in the Gulf of Mexico. Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), NOAA's National Marine Fisheries Service must conduct a referendum to determine whether an IFQ program, as ultimately developed, should be submitted to the Secretary of Commerce for review, approval, and implementation. This proposed rule would provide potential referendum participants information concerning the schedule, procedures, and eligibility requirements for participating in the referendum. The intended effect of this proposed rule is to implement the requirements of the Magnuson-Stevens Act for implementing an IFQ program in the Gulf of Mexico.

**Timetable:**

Action	Date	FR Cite
NPRM	09/04/08	73 FR 51617
NPRM Comment Period End	10/06/08	
Final Rule	01/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701  
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**RIN:** 0648-AW85

**253. PROVIDE REGULATIONS FOR PERMITS FOR CAPTURE, TRANSPORT, IMPORT, AND EXPORT OF PROTECTED SPECIES FOR PUBLIC DISPLAY, AND FOR MAINTAINING A CAPTIVE MARINE MAMMAL INVENTORY**

**Legal Authority:** 16 USC 1372(c)

**Abstract:** This rule will revise and simplify criteria and procedures specific to permits for taking, transporting, importing, and exporting protected species for public display and provide convenient formats for reporting marine mammal captive holdings and transports as required by amendments made in 1994 to the Marine Mammal Protection Act.

**Timetable:**

Action	Date	FR Cite
NPRM	07/03/01	66 FR 35209
NPRM Comment Period Extended	08/22/01	66 FR 44109
NPRM Comment Period End	09/04/01	
Comment Period Extended	11/02/01	
Final Action	07/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Tanya Dobrzynski, Marine Resource Manager, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-2289  
**RIN:** 0648-AH26

**254. VIRGINIA MODIFIED POUND NET LEADER INSPECTION PROGRAM**

**Legal Authority:** 16 USC 1531 et seq

**Abstract:** With this action, the National Marine Fisheries Service (NMFS) issues a rule to implement an inspection program for modified pound net leaders in the Virginia waters of the mainstem

Chesapeake Bay. Previous regulations (71 FR 36024, June 23, 2006) required modified pound net leaders in a portion of the Virginia Chesapeake Bay from May 6 to July 15 each year, and this action would ensure that leaders used in that area do in fact meet the definition of a modified pound net leader. To comply with the inspection program, a pound net fisherman intending to set a modified leader must call NMFS to arrange for an inspection meeting. Then, the fisherman must meet NMFS and allow for the inspection of his or her gear to ensure the modified leader meets the definition of a modified pound net leader, as described in the regulations. The purpose of this action is to help protect threatened and endangered sea turtles, while enabling fishermen to use leaders, an important component of pound net gear, during the regulated period.

**Timetable:**

Action	Date	FR Cite
NPRM	03/01/07	72 FR 9297
NPRM Comment Period End	04/02/07	
Final Action	11/00/08	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Carrie Upite, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
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**RIN:** 0648-AU98

**255. ENDANGERED AND THREATENED SPECIES; DESIGNATION OF CRITICAL HABITAT FOR ELKHORN AND STAGHORN CORALS**

**Legal Authority:** 16 USC 1531 to 1544

**Abstract:** The National Marine Fisheries Service proposes to designate critical habitat for elkhorn and staghorn corals, which we recently listed as threatened under the Endangered Species Act (ESA). Areas proposed for designation will be within the current geographic ranges of these species that are under U.S. jurisdiction, including areas in Southeast Florida, Puerto Rico, and the U.S. Virgin Islands. Comments from the public on all aspects of the proposal, including information on the economic, national security, and other

## DOC—NOAA

## Final Rule Stage

relevant impacts of the proposed designation, as well as the benefits to elkhorn and staghorn corals from designation will be solicited during a 60-day comment period. A draft economic analysis and Section 4(b)(2) report will be conducted in support of this proposal.

**Timetable:**

Action	Date	FR Cite
NPRM	02/06/08	73 FR 6895
Correction	03/06/08	73 FR 12068
NPRM Comment Period End	05/06/08	
Final Action	11/00/08	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Marta Nammack, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
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**RIN:** 0648-AV35

**256. ATLANTIC PELAGIC LONGLINE TAKE REDUCTION PLAN**

**Legal Authority:** 16 USC 1361 et seq

**Abstract:** With this action, the National Marine Fisheries Service implements the Atlantic Pelagic Longline Take Reduction Plan in order to reduce serious injuries and mortalities of long-finned pilot whales, short-finned pilot whales, and Risso's dolphins in the Atlantic pelagic longline fishery to insignificant levels approaching a zero mortality and serious injury rate, within five years of its implementation. The proposed plan is based on consensus recommendations draft plan was by the Atlantic Pelagic Longline Take Reduction Team (Team) and includes including both regulatory and non-regulatory measures. Regulatory measures include: (1) Limiting the mainline length to 20 nautical miles or less within the Mid-Atlantic Bight; (2) designating a special research area offshore of Cape Hatteras, NC; and (3) requiring all pelagic longline vessels post an informational placards on careful handling and release of marine mammals in the wheelhouse and working decks of the vessel. Non-regulatory measures of the plan include: (1) Providing for 12 to 15 percent observer coverage throughout

all Atlantic pelagic longline fisheries that interact with pilot whales or Risso's dolphins; (2) encouraging vessel operators throughout the fishery to maintain daily communications with other local vessel captains; (3) updating guidelines for careful handling and release of entangled or hooked marine mammals; and (4) distributing quarterly reports of bycatch of marine mammals in the pelagic longline fishery to the Team.

**Timetable:**

Action	Date	FR Cite
NPRM	06/24/08	73 FR 35623
NPRM Comment Period End	09/22/08	
Final Action	02/00/09	
Final Rule Effective	03/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Kristy Long, Fisheries Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East West Highway, Room 13738, Silver Spring, MD 20910  
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**RIN:** 0648-AV65

## Department of Commerce (DOC)

## Completed Actions

## National Oceanic and Atmospheric Administration (NOAA)

**257. AMENDMENT 9 TO THE ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERY MANAGEMENT PLAN**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** Amendment 9 to the Atlantic Mackerel, Squid, and Butterfish (MSB) Fishery Management Plan (FMP) was developed by the Mid-Atlantic Fishery Management Council to remedy deficiencies in the FMP and to address other issues that have arisen since Amendment 8 to the MSB FMP became effective in 1998. Amendment 9 to the MSB FMP considers: Allowing multi-year specifications and management measures; extending or eliminating the moratorium on entry into the directed Illex fishery; revising current biological reference points for Loligo; designating essential fish habitat (EFH) for Loligo eggs; implementing closures of EFH areas to reduce gear impacts from MSB fisheries; increasing the Loligo

possession limit for Illex vessels during a closure of the Loligo fishery; and requiring real-time electronic reporting via a vessel monitoring system in the Illex fishery.

**Timetable:**

Action	Date	FR Cite
Notice Of Availability	03/25/08	73 FR 15716
NPRM	04/04/08	73 FR 18483
NPRM Comment Period End	05/19/08	
Final Action	07/01/08	73 FR 37382

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

**RIN:** 0648-AP60

**258. AMENDMENT 72 TO THE FISHERY MANAGEMENT PLAN FOR THE GROUND FISH OF THE GULF OF ALASKA**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** This amendment would revise the Gulf of Alaska (GOA) Groundfish Fishery Management Plan to state that the Council will annually review the discards of shallow-water flatfish in Gulf of Alaska groundfish fisheries. After review of this annual report, the Council may recommend revisions to the retention and utilization requirements if the discard rate for shallow-water flatfish falls above or below a specified threshold. This fishery management plan has no implementing regulations.

**Timetable:**

Action	Date	FR Cite
Notice of Intent	05/28/08	73 FR 30598

## DOC—NOAA

## Completed Actions

Action	Date	FR Cite
Final Action	08/29/08	73 FR 50888
Final Action Effective	10/25/08	

**Regulatory Flexibility Analysis****Required:** Yes

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**RIN:** 0648-AR72**259. AMEND SUBSISTENCE HALIBUT FISHING REGULATIONS IN WATERS IN AND OFF ALASKA**

**Legal Authority:** 16 USC 1801 et seq;  
16 USC 773 et seq

**Abstract:** This regulatory action amends the subsistence fishery rules for Pacific halibut in waters in and off Alaska. This action proposes six changes to the subsistence halibut regulations that would: (1) Revise the subsistence gear restrictions in Kodiak and add seasonal gear and vessel limits in Sitka Sound; (2) add the village of Naukati to the list of eligible subsistence halibut communities; (3) implement a possession limit to enhance enforcement; (4) revise the definition of charter vessel; (5) revise regulations allowing customary trade; and (6) allow the use of special permits within non-subsistence use areas by tribes eligible for the permits. Additional administrative revisions to regulations include converting the gear and harvest restrictions from text to table format and revising language to consistently refer to Sitka Sound rather than Sitka LAMP. These regulations are necessary to address subsistence halibut management concerns in densely populated areas. This action is intended to support the conservation and management provisions of the Northern Pacific Halibut Act of 1982.

**Timetable:**

Action	Date	FR Cite
NPRM	04/14/08	73 FR 20008
NPRM Comment Period End	05/14/08	
Final Action	09/24/08	73 FR 54932

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
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**RIN:** 0648-AU14**260. ATLANTIC HIGHLY MIGRATORY SPECIES; INTERNATIONAL TRADE PERMIT REGULATORY AMENDMENT**

**Legal Authority:** 16 USC 971 et seq;  
16 USC 1801 et seq

**Abstract:** The National Marine Fisheries Species makes regulatory changes to the highly migratory species (HMS) international trade program, which encompasses dealer permitting and reporting for international trade of swordfish, bluefin tuna, and bigeye tuna. The regulatory changes will include adjustments to improve program efficacy and consistency with regulations of other U.S. agencies.

**Timetable:**

Action	Date	FR Cite
NPRM	04/04/08	73 FR 18473
NPRM Comment Period End	05/05/08	
Final Action	06/02/08	73 FR 31380

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910  
Phone: 301 713-2334

**RIN:** 0648-AU88**261. ATLANTIC HIGHLY MIGRATORY SPECIES; ATLANTIC SHARK MANAGEMENT MEASURES**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** This rule would reevaluate the management measures for large coastal sharks (LCS) and pelagic sharks based on the 2005/2006 LCS stock assessment, the 2006 dusky shark stock assessment, and the Canadian 2005 porbeagle shark stock assessment. This rulemaking could consider, among other things, changes to existing rebuilding plans for overfished species, commercial quotas and trip limits,

recreational minimum size and bag limits, and the public display quota. In addition, this rule would likely reevaluate the Mid-Atlantic shark closure and its role in the rebuilding plan for LCS. This action is necessary in light of recent stock assessments, which have determined that dusky and sandbar sharks are overfished with overfishing occurring, the status is unknown for the Atlantic blacktip shark population, and porbeagle sharks are likely overfished. In addition, the 2005/2006 LCS stock assessment determined it is inappropriate to assess the LCS complex as a whole, which has been the basis of managing these species since 1993.

**Timetable:**

Action	Date	FR Cite
NPRM	07/27/07	72 FR 41392
NPRM Comment Period Reopened	10/03/07	72 FR 56330
NPRM Comment Period End	10/10/07	
Comment Period End	11/02/07	
Final Action	06/24/08	73 FR 35778
Correction	07/15/08	73 FR 40658
Final Rule Announcing OMB Approval for PRA	08/14/08	73 FR 47851
Correction	08/15/08	73 FR 47851

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910  
Phone: 301 713-2334

**RIN:** 0648-AU89**262. AMENDMENT 25 THE FISHERY MANAGEMENT PLAN IN THE BERING SEA AND ALEUTIAN ISLANDS KING AND TANNER CRAB FISHERIES OFF ALASKA**

**Legal Authority:** 16 USC 773 to 773k;  
16 USC 1801; 16 USC 3631

**Abstract:** On January 12, 2007, the President signed the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, which requires the Secretary of Commerce (Secretary), not later than 90 days after the date of enactment of that Act, to amend the Fishery Management Plan for the Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) to

## DOC—NOAA

## Completed Actions

authorize conversion of catcher vessel owner quota shares and processor quota shares to newly created North Region catcher/processor owner quota shares. Proposed Amendment 25 to the FMP would satisfy this requirement. Proposed Amendment 25 to the Fishery Management Plan in the BSAI King and Tanner Crab Fisheries would promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the FMP, and other applicable laws.

**Timetable:**

Action	Date	FR Cite
NOA	02/05/07	72 FR 5255
NPRM	02/15/08	73 FR 8838
NPRM Comment Period End	03/17/08	
Final Action	05/23/08	73 FR 29979

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
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**RIN:** 0648-AV19

### 263. FISHERIES IN THE WESTERN PACIFIC; PRECIOUS CORALS FISHERIES; FISHERY MANAGEMENT PLAN FOR AMENDMENT 7—GOLD AND BLACK CORAL MANAGEMENT

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** Amendment 7 to the Fishery Management Plan for Precious Coral Fisheries in the Western Pacific would establish the Auau Channel, Hawaii, black coral bed as an established bed with an annual harvest quota of 5,000 kg every 2 years, and would place a 5-year moratorium on the harvest of gold coral in the Western Pacific.

**Timetable:**

Action	Date	FR Cite
Notice Of Availability	05/23/08	73 FR 30038
Proposed Rule	05/30/08	73 FR 31047
NPRM Comment Period End	07/14/08	
Final Rule	08/13/08	73 FR 47098

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator,

Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814

Phone: 808 944-2207

**RIN:** 0648-AV30

### 264. REEF FISH AMENDMENT 30A FOR GREATER AMBERJACK AND GRAY TRIGGERFISH: TAC ADJUSTMENTS, MEASURES TO END OVERFISHING AND ESTABLISH SFA PARAMETERS

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** Greater amberjack are under a rebuilding plan. A 2006 stock assessment (SEDAR 9) concluded the stock is not recovering as projected. It continues to be overfished and is undergoing overfishing. Adjustments to TAC and management measures are needed to end overfishing and bring the recovery of the greater amberjack stock back into compliance with its ten-year rebuilding time frame. Gray triggerfish were determined to be undergoing overfishing based on a 2006 stock assessment (SEDAR 9). Management measures are necessary to end overfishing of gray triggerfish. Additionally, the Council has not yet approved post-Sustainable Fisheries Act (SFA) benchmarks and reference points for gray triggerfish.

**Timetable:**

Action	Date	FR Cite
NPRM	04/08/08	73 FR 19040
NPRM Comment Period End	05/23/08	
Final Action	07/03/08	73 FR 38139

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 0648-AV34

### 265. 2008 SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS RECREATIONAL FISHERY MANAGEMENT MEASURES

**Legal Authority:** 16 USC 1801

**Abstract:** This action would establish the recreational management measures (minimum fish size, possession limits, and fishing seasons) for the 2008 summer flounder, scup, and black sea bass recreational fisheries. The annual recreational management measures are considered to be annual specifications. This action initially assigned to the 2008 fluke, scup, and BSB specifications; that action published under 0648-XC84 (X-RIN) because the action contained no implementing regulations. This action was reassigned to the recreational management measures on January 23, 2008.

**Timetable:**

Action	Date	FR Cite
NPRM	03/21/08	73 FR 15111
NPRM Comment Period End	04/21/08	
Final Rule	05/23/08	73 FR 29990
Correction	06/04/08	73 FR 31769

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 0648-AV41

### 266. INDIVIDUAL FISHING QUOTA OMNIBUS V ACTION 2 AND 4: ALLOW LONGLINE POT GEAR IN BERING SEA DURING JUNE; ALLOW MOBILIZED MILITARY PERSONNEL TO MAKE TEMPORARY INDIVIDUAL FISHING QUOTA TRANSFERS

**Legal Authority:** 16 USC 1801

**Abstract:** The regulatory action amends existing commercial fishing regulations at 50 CFR part 679. The amendment would enhance the management of the halibut and sablefish Individual Fishing Quota (IFQ) fisheries, as well as the sablefish Community Development Quota (CDQ) fishery. In June 2006, the North Pacific Fishery Management Council recommended a suite of four amendments to the halibut and sablefish IFQ fishery regulations, otherwise known as OMNI V. This proposed action addresses Action 2 and Action 4 of the Council's proposed regulatory amendments. The action would amend regulations to (1) Allow the use of longline pot gear in the Bering Sea sablefish IFQ and CDQ



## DOC—NOAA

## Completed Actions

fisheries during the month of June; and (2) allow the temporary transfer of IFQ held by mobilized reservists and guardsmen.

**Timetable:**

Action	Date	FR Cite
NPRM	03/05/08	73 FR 11851
NPRM Comment Period End	04/04/08	
Final Action	05/19/08	73 FR 28733

**Regulatory Flexibility Analysis**

**Required:** Yes

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Phone: 907 586-7221  
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**RIN:** 0648-AV64

## 267. FRAMEWORK ADJUSTMENT 19 TO THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN

**Legal Authority:** 16 USC 1801

**Abstract:** Framework 19 would establish management measures for the scallop fishery for the 2008 and 2009 fishing years. It will include measures to implement new management measures developed and implemented under Amendment 11 to the Scallop FMP, if approved. Management measures in Framework 19 would include scallop days-at-sea and trip allocations, new area closures and/or access areas, and allocations for scallop fishing in the groundfish closed areas. It would also include improvements to some current management measures to make management of the scallop fishery more efficient and effective.

**Timetable:**

Action	Date	FR Cite
NPRM	03/19/08	73 FR 14748
NPRM Comment Period End	04/08/08	
Final Rule	05/29/08	73 FR 30790

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 0648-AV90

## 268. AMENDMENT 89 TO THE FISHERY MANAGEMENT PLAN FOR THE BERING SEA; BERING SEA HABITAT CONSERVATION MEASURES

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** This regulatory amendment would implement Amendment 89 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area. The regulations would prohibit nonpelagic trawling in certain areas of the Bering Sea subarea to protect bottom habitat and certain nearshore bottom habitat areas that provide subsistence resources. The amendment also would provide for a Northern Bering Sea research area where the effects of nonpelagic trawling may be studied.

**Timetable:**

Action	Date	FR Cite
NPRM	03/07/08	73 FR 12357
NPRM Comment Period End	04/21/08	
Final Action	07/25/08	73 FR 43362

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
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**RIN:** 0648-AW06

## 269. REVISIONS TO REGULATIONS FOR THE GUIDED SPORT CHARTER VESSEL FISHERY FOR HALIBUT IN REGULATORY AREA 2C

**Legal Authority:** 16 USC 773 to 773k

**Abstract:** The proposed action would implement management measures to reduce the charter halibut fishery harvest in Area 2C to the GHL.

**Timetable:**

Action	Date	FR Cite
NPRM	12/31/07	72 FR 74257
NPRM Comment Period End	01/30/08	
Final Action	05/28/08	73 FR 30504

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region,

Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
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**RIN:** 0648-AW23

## 270. REVISE REGULATIONS TO EXEMPT CERTAIN GROUND FISH CATCHER-PROCESSORS AND MOTHERSHIPS FROM CHECK-IN/CHECK-OUT REQUIREMENTS WITH ACTIVE VESSEL MONITORING SYSTEMS (VMS)

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** This regulatory amendment would exempt groundfish catcher-processors (CPs) and motherships carrying a transmitting vessel monitoring system (VMS) unit from check-in and check-out requirements in Alaska Region groundfish fishing regulations. The current check-in/out regulation requires CPs and motherships to submit check-in/out reports before they deploy gear in, or begin to process fish from, Federal management areas off Alaska. Additional reports are required for the use of additional gears, or for changes in the status (e.g., community development quota, exempted permit) of the fish being targeted. For many years the Alaska Region has required groundfish CPs and mothership vessels to file check-in check-out reports. This information was used for in-season management. However, in recent years new sources of information have become available, such as VMS, which make check in/out reports unnecessary.

This action is expected to reduce industry costs by about \$60,000 per year and to reduce public administrative costs by about \$40,000 per year. This rule is not anticipating additional costs.

**Timetable:**

Action	Date	FR Cite
NPRM	05/29/08	73 FR 30876
NPRM Comment Period End	06/30/08	
Final Action	09/16/08	73 FR 53390

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric

## DOC—NOAA

## Completed Actions

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RIN: 0648-AW28

### 271. FRAMEWORK ADJUSTMENT 5 TO THE MONKFISH FISHERY MANAGEMENT PLAN

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** Framework Adjustment 5 to the Monkfish FMP will update the biological reference points in the Monkfish FMP to be consistent with the most recent monkfish stock assessment (i.e., July 2007 Northeast Data Poor Stocks working Group). In addition, this action will reduce carryover days-at-sea (DAS); eliminate a provision that allows gillnet vessels to land monkfish on trips less than 3-hours and only be charged for the actual time fished; establish a restrictive monkfish incidental catch limit for vessels that are fishing in the Southern New England Regulated Mesh Area (as defined under the Northeast Multispecies FMP) east of 72 degrees 30 feet west longitude; and eliminate the requirement to obtain a letter of authorization to fish in the Northern Fishery Management Area for vessels that are using a vessel monitoring system.

#### Timetable:

Action	Date	FR Cite
NPRM	03/04/08	73 FR 11606
NPRM Comment Period End	03/25/08	
Final Action	04/28/08	73 FR 22831

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

RIN: 0648-AW33

### 272. AMENDMENT 26 TO THE FISHERY MANAGEMENT PLAN FOR BERING SEA/ALEUTIAN ISLANDS KING AND TANNER CRABS

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** Amendment 26 to the FMP would amend the FMP to exempt quota share issued to crew members, and the

annual harvest privileges derived from that quota share, from requirements for: delivery to specific processors; delivery within specific geographic regions; and participation in an arbitration system to resolve price disputes. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMP, and other applicable law.

#### Timetable:

Action	Date	FR Cite
NPRM	03/31/08	73 FR 16830
NPRM Comment Period End	05/15/08	
Final Action	06/20/08	73 FR 35084

**Regulatory Flexibility Analysis Required:** Yes

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RIN: 0648-AW45

### 273. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); RENEWAL OF ATLANTIC TUNAS LONGLINE LIMITED ACCESS PERMITS (LAPS); ATLANTIC SHARK IDENTIFICATION WORKSHOP ATTENDANCE REQUIREMENTS

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** This rule would amend the regulations governing the renewal of Atlantic tunas longline LAPs, and workshop attendance requirements for businesses issued Atlantic shark dealer permits. Specifically, these regulatory changes would allow for the renewal of Atlantic tunas longline LAPs that have been expired for more than one year, if an otherwise qualified permit holder has maintained their associated swordfish and shark LAPs through timely renewal. Also, the rule would modify the Atlantic Shark Identification Workshop attendance requirements for businesses issued Atlantic shark dealer permits that have more than one dealer location listed on their permit. The regulations would specify that a dealer must submit a Atlantic Shark Identification Workshop certificate (dealer or proxy) for each place of business where Atlantic sharks are received, rather than from each location listed on their dealer permit.

#### Timetable:

Action	Date	FR Cite
NPRM	04/11/08	73 FR 19795
NPRM Comment Period End	05/12/08	
Final Rule	07/03/08	73 FR 38144

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Margo Schulze-Haugen, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East West Highway, Silver Spring, MD 20910  
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RIN: 0648-AW46

### 274. APPROVAL OF ELIMINATOR TRAWL GEAR FOR SPECIAL MANAGEMENT PROGRAMS; NORTHEAST MULTISPECIES FISHERY

**Legal Authority:** 16 USC 1801

**Abstract:** This action would authorize the use of the 'eliminator trawl' gear for use in two special management programs of the Northeast Multispecies Fishery. The Northeast Multispecies Fishery Management Plan (FMP) specifies a procedure for approval of additional gear for two of the Special Management Programs (Eastern U.S./Canada Haddock Special Access Program and Regular B Days-at-Sea Program). At the request of the New England Fishery Management Council (Council), the Regional Administrator may authorize additional gear if, based upon an experiment, the gear satisfies existing standards. On February 13, 2008, the Council sent a letter to the National Marine Fisheries Service (NMFS) requesting that it authorize the proposed trawl gear. Based upon a preliminary review of the experimental data, the proposed eliminator trawl net meets one of the current gear standards. The implementation of new gear requirement would provide another option for vessels fishing in these Special Management Programs, which could provide additional flexibility for the industry. Further, authorization of the net would enhance industry and NMFS efforts to reduce bycatch in the FMP.

#### Timetable:

Action	Date	FR Cite
NPRM	05/20/08	73 FR 29098

## DOC—NOAA

## Completed Actions

Action	Date	FR Cite
NPRM Comment Period End	06/04/08	
Final Action	07/14/08	73 FR 40186

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930 Phone: 978 281-9200

**RIN:** 0648-AW53

**275. • ALLOCATION OF TRIPS TO CLOSED AREA II YELLOWTAIL FLOUNDER SPECIAL ACCESS PROGRAM**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** This action would set allocations for Trips to Closed Area II Yellowtail Flounder Special Access Program for 2008 fishing year.

**Timetable:**

Action	Date	FR Cite
NPRM	05/06/08	73 FR 24936
NPRM Comment Period End	05/21/08	
Final Rule	06/04/08	73 FR 31770

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930 Phone: 978 281-9200

**RIN:** 0648-AW69

**276. • FRAMEWORK ADJUSTMENT 6 TO THE MONKFISH FISHERY MANAGEMENT PLAN**

**Legal Authority:** 16 USC 1801 et seq

**Abstract:** The proposed action would eliminate the backstop provision adopted in Framework 4. This provision would have adjusted, and potentially closed, the directed monkfish fishery in 2009 if the monkfish landings in the 2007 fishing year (FY) exceeded the target total allowable catch (TTAC). Available landings information for FY 2007 indicates that the TTAC will be exceeded by 30 percent in the Southern Fishery Management Area. Given the most recent information on the status of the monkfish stocks, and the expected minimal biological impact of a 30-percent TTAC overage on stock status, based on the revised reference points established through the recently implemented Framework Adjustment 5 to the FMP (73 FR 22831; April 28, 2008), the backstop provision is deemed no longer necessary.

**Timetable:**

Action	Date	FR Cite
NPRM	07/10/08	73 FR 39643
NPRM Comment Period End	08/11/08	
Final Action	09/10/08	73 FR 52635

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930 Phone: 978 281-9200

**RIN:** 0648-AW81

**277. RIGHT WHALE SHIP STRIKE REDUCTION**

**Legal Authority:** 16 USC 1361

**Abstract:** These regulations would establish speed restrictions to reduce the number of deaths to North Atlantic right whales as a result of collisions

with vessels, which account for more confirmed right whale deaths than any other anthropogenic cause. Speed restrictions would be limited to areas and times when North Atlantic right whales and ships overlap to reduce the likelihood of ship strikes to the extent practicable.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/01/04	69 FR 30857
ANPRM Comment Period Extended	07/09/04	69 FR 41446
ANPRM Comment Period Extended	09/13/04	69 FR 55135
NPRM	06/26/06	71 FR 36299
Comment Period Extended	08/14/06	71 FR 46440
NPRM Comment Period End	08/25/06	
Comment Period End	10/05/06	
Final Action	10/10/08	73 FR 60173

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** James H. Lecky, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910 Phone: 301 713-2332

**RIN:** 0648-AS36

**278. AMENDMENT TO DISCHARGE REGULATIONS IN GULF OF THE FARALLONES, MONTEREY BAY, AND CORDELL BANKS NATIONAL MARINE SANCTUARIES****Timetable:**

Action	Date	FR Cite
Duplicate of RINs 0648-AT14, AT15 and AT16	11/06/08	

**RIN:** 0648-AW29

## Department of Commerce (DOC)

## Completed Actions

## National Telecommunications and Information Administration (NTIA)

**279. • RULEMAKING TO WAIVE THE HOUSEHOLD ELIGIBILITY AND APPLICATION PROCESS OF THE COUPON PROGRAM FOR INDIVIDUALS RESIDING IN NURSING HOMES**

**Legal Authority:** PL 109-171

**Abstract:** In this document, the National Telecommunications and Information Administration (NTIA) proposes certain changes affecting section 301.3 of its Digital-To-Analog Converter Box Coupon Program rules. 47 CFR section 301.3. Specifically, NTIA proposes to waive the “eligible

household” and application requirements in section 301.3(a), and section 301.3(e), for individuals residing in nursing homes or other senior care facilities, subject to alternative application requirements specified herein. NTIA also proposes to amend section 301.3(a)(2) to permit an

## DOC—NTIA

## Completed Actions

otherwise eligible household that utilizes a post office box for mail receipt to apply for and receive coupons subject to providing satisfactory proof of physical residence as specified herein.

**Timetable:**

Action	Date	FR Cite
NPRM	04/24/08	73 FR 22120

Action	Date	FR Cite
NPRM Comment Period End	06/09/08	
Final Rule	09/19/08	73 FR 54325
Final Action Effective	10/20/08	

**Regulatory Flexibility Analysis Required: Yes**

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**RIN:** 0660-AA17

**Department of Commerce (DOC)**  
**Patent and Trademark Office (PTO)**

## Proposed Rule Stage

**280. • FISCAL YEAR 2009 REVISION OF REQUEST FOR CONTINUED EXAMINATION, 18-MONTH PUBLICATION, AND OTHER MISCELLANEOUS COST-RECOVERY PATENT FEES**

**Legal Authority:** 35 USC 2(b)(2); 35 USC 41(d); 35 USC 132(b)

**Abstract:** The USPTO is proposing to revise the rules of practice to adjust the fee or set a fee for certain processes and services for which the USPTO is required to set a cost-recovery fee. The USPTO is specifically proposing to adjust the fee for a request for continued examination, 18-month

publication, and a certificate of correction (applicant's mistake) fee, and set a fee for requesting a corrected republication of a patent application publication. The rules of practice currently do not set a fee, or do not set a fee that recovers the USPTO's costs, for these processes or services. The USPTO is proposing to adjust or set these fee amounts such that they more accurately reflect the Office costs for these processes or services.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	

Action	Date	FR Cite
NPRM Comment Period End	01/00/09	

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** Robert W. Bahr, Senior Patent Attorney, Department of Commerce, Patent and Trademark Office, Mail Stop Comments-Patents, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313  
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**RIN:** 0651-AC29

**Department of Commerce (DOC)**  
**Patent and Trademark Office (PTO)**

## Final Rule Stage

**281. EXAMINATION OF PATENT APPLICATIONS THAT INCLUDE CLAIMS CONTAINING ALTERNATIVE LANGUAGE**

**Legal Authority:** 35 USC 2(b)(2)

**Abstract:** The U.S. Patent and Trademark Office (Office) is considering revising the rules of practice to address Markush-type and other claims written so as to claim an invention in the alternative. The search and examination of Markush-type and other claims written in the alternative generally consume a disproportionate amount of Office resources as compared to other types of claims, because these claims can encompass multiple independent and distinct inventions and determining the patentability of such a claim may require a separate examination of each of the alternatives within the claim. The Office anticipates that requiring applicants who choose this claim-drafting format to ensure a certain degree of relatedness among the

members of a Markush group or the alternatives presented in the claims will allow the Office to do a better, more thorough and reliable examination of Markush-type and other claims written in the alternative.

**Timetable:**

Action	Date	FR Cite
NPRM	08/10/07	72 FR 44992
NPRM Comment Period End	10/09/07	
NPRM	03/10/08	73 FR 12679
NPRM Comment Period End	04/09/08	
Final Action	11/00/08	

**Regulatory Flexibility Analysis Required: Yes**

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**RIN:** 0651-AC00

**282. • FISCAL YEAR 2009 CHANGES TO PATENT COOPERATION TREATY SEARCH FEES**

**Legal Authority:** 35 USC 2(b)(2) ; 35 USC 376

**Abstract:** The United States Patent and Trademark Office (USPTO) is proposing to revise the rules of practice to adjust the transmittal and search fees for international applications filed under the Patent Cooperation Treaty (PCT). The USPTO is proposing to adjust the PCT transmittal and search fees to recover the estimated average cost to the USPTO of processing PCT international applications and preparing international search reports and written opinions for PCT international applications.

## DOC—PTO

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	06/18/08	73 FR 34672
NPRM Comment Period End	08/18/08	
Final Action	11/00/08	

**Regulatory Flexibility Analysis****Required:** Yes

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**RIN:** 0651-AC28

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